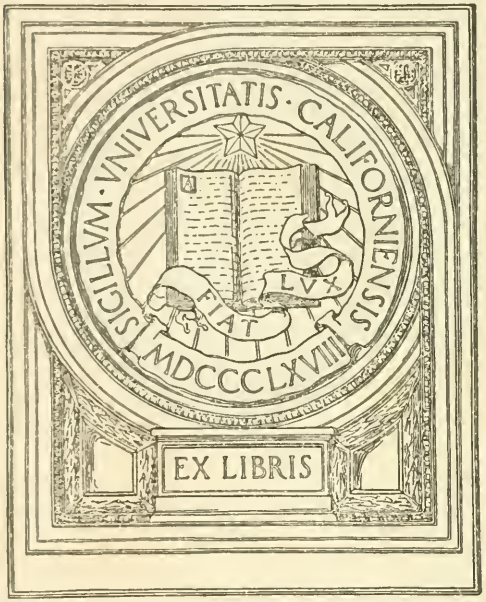
DETROIT, —— MICH

UNIVERSITY OF CALIFORNIA
AT LOS ANGELES



THE CHARTER

—OF THE—

CITY OF DETROIT

352:33

—AND—

Acts of The Legislature

RELATING TO THE

SEVERAL BOARDS, COMMISSIONS AND COURTS

—OF THE—

CITY OF DETROIT.

—TOGETHER WITH—

THE GENERAL ELECTION LAWS.

Compiled under the direction of JOHN J. SPEED, City Counselor, by order of the Common Council

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DETROIT:
THOS. SMITH PRINTING CO., CITY PRINTERS,
1893.

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1883

THE CHARTER

OF THE

CITY OF DETROIT.

CHAPTER I.

An Act to provide a Charter for the City of Detroit, and to repeal all acts and parts of acts in conflict therewith.

Approved June 7th, 1833; given effect July 1st, 1883.

INCORPORATION: CITY AND WARD BOUNDARIES.

Corporation.

(§ 1.) SECTION 1. *The People of the State of Michigan, enact:* That inhabitants of the city of Detroit shall continue to be one body politic and corporate, under the name and style of the city of Detroit; and as such shall have, exercise and enjoy such powers of a local, legislative and administrative character as are conferred by this act, or by the general laws of the State of Michigan, and shall also enjoy such implied and incidental powers and rights as are possessed by municipal corporations in this State.

Name and powers of

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Legislative and Administrative Departments.

(§ 2.) SEC. 2. The powers of local government possessed by said city are divided into two departments, the legislative and administrative. No person or body belonging to one department shall exercise powers properly belonging to the other, except in cases expressly provided in this act.

Boundaries.

(§ 3.) SEC. 3. The territorial limits of said city of Detroit shall include all that tract of country in the county of Wayne, bounded and described as follows: Beginning at the intersection of the national boundary line in the Detroit river, with the easterly line of private claim number two hundred and fifty-seven extended, running thence northerly along the easterly line of said private claim number two hundred and fifty-seven and along the easterly line of the back concession to said private claim numbered two hundred and fifty-seven to the center of the Butler road, so called; thence westerly along the rear lines of private claims to the center of St. Charles avenue; thence northwesterly along the center of St. Charles avenue to the center of Strong avenue; thence along the center of Strong avenue, westerly and northwesterly, to the intersection of the center line of Mt. Elliot avenue extended; thence westerly along a line parallel with the northerly line of the Boulevard to the easterly line of St. Aubin avenue; thence northerly along said easterly line of St. Aubin avenue, and St. Aubin avenue extended, to a point in fractional section thirty-nine, town one south, of range twelve east, said point being two hundred and thirty-three feet northerly of the southerly line of said quarter section thirty-nine; thence westerly on a line parallel with the southerly line of said quarter section thirty-nine, and being two hundred and thirty-three feet northerly of the southerly line of said quarter section thirty-nine, to a point two hundred and thirty-three feet easterly of the center line of Oakland avenue, so-called; thence northerly on a line parallel with said center line of Oakland avenue and Oakland avenue extended, and two hundred and thirty-three feet

easterly thereof, to a point indicated by and intersecting the easterly and westerly center line of quarter section twenty-three of the ten thousand acre tract in Hamtramck township; thence westerly from said last mentioned point along the center line of quarter sections twenty-three and twenty-four of the ten thousand acre tract in Hamtramck township, across Woodward avenue, so-called, and along the center line of quarter sections twenty-five and twenty-six of the ten thousand acre tract in Greenfield township, to a point two hundred and fifty feet westerly of the center line of Crawford street, so-called, extended; thence southerly on a line parallel with the center line of Crawford street extended and two hundred and fifty feet westerly thereof, to a point in quarter section thirty-five of said ten thousand acre tract, two hundred and thirty-three feet northerly of the center line of the Williams road, so-called; thence westerly on a line parallel with the center line of the said Williams road, and two hundred and thirty-three feet northerly thereof, to the easterly line of Twelfth street; thence southerly along the easterly line of Twelfth street to a point two hundred and twenty-four and three-fourths feet northerly of the northerly line of the Boulevard; thence westerly on a line parallel with and two hundred and twenty-four and three-fourths feet northerly of the northerly line of the Boulevard, to a point in section fifty-two of the ten thousand acre tract, said point being two hundred feet west of the west line of the Boulevard in section two, town two south, range eleven east extended north; thence south on a line two hundred feet west of and parallel with the west line of said Boulevard to the northerly line of the private claims; thence westerly on the rear of the northerly line of the private claims to the westerly line of back concession, private claim thirty; thence westerly in a direct course to the easterly line of private claim two hundred and sixty-six; thence southerly along the easterly line of private claim two hundred and sixty-six to the southerly line of Toledo avenue; thence westerly along

Boundaries.

Boundaries.

the southerly line of Toledo avenue to the westerly line of Livernois avenue: thence southerly along the westerly line of said Livernois avenue to the northerly line of the Dix road; thence westerly on said northerly line of said Dix road to the westerly line of Artillery avenue extended; thence southerly along said westerly line of Artillery avenue extended to the national boundary line in the Detroit river, and thence along the national boundary line in the Detroit river up stream to the place of beginning; and also all that parcel of land situated in the Detroit river and known as Belle Isle. (As amended by Act approved May 13th, 1891.)

Ward Boundaries.

(§ 4.) SEC. 4. The said city is hereby divided into the following wards:

First Ward.

First, The first ward shall consist of all that part of the city lying between the center lines of Woodward avenue and Beaubien street, and the said lines extended northerly and southerly to the city limits.

Second Ward.

Second, The second ward shall consist of all that part of said city bounded on the east by the center line of Woodward avenue, and on the west by the center line of First street, from the Detroit river to the center line of Grand River avenue, up Grand River avenue to the center line of Second street, and along the center line of Second street, and the said lines extended northerly and southerly to the city limits.

Third Ward.

Third, The third ward shall consist of all that part of said city lying between the center lines of Beaubien street and Hastings street, and the said lines extended northerly and southerly to the city limits.

Fourth Ward

Fourth, The fourth ward shall consist of all that part of said city lying between the westerly boundary line of the second ward, above described, and the center line of Crawford street, from the northerly city limits to the center line of Grand River avenue, thence through Grand River avenue to the center line of Fifth street, and down the center line of Fifth street, and the said lines extended northerly and southerly to the city limits.

Fifth, The fifth ward shall consist of all that part of said city lying between the center lines of Hastings street and Russell street, and the said lines extended northerly and southerly to the city limits. Fifth Ward.

Sixth, The sixth ward shall consist of all that part of said city lying between the west boundary line of the fourth ward, above described, and the center line of Trumbull avenue, and the said lines extended northerly and southerly to the city limits. Sixth Ward.

Seventh, The seventh ward shall consist of all that part of said city lying between the center lines of Russell street and Dequindre street, and the said lines extended northerly and southerly to the city limits. Seventh Ward.

Eighth, The eighth ward shall consist of all that part of said city lying between the east line of Godfroy farm and the center line of Trumbull avenue, and the said lines extended northerly and southerly to the city limits. Eighth Ward.

Ninth, The ninth ward shall consist of all that part of said city lying between the centre lines of Dequindre street and Chene street, and the said lines extended northerly and southerly to the city limits. Ninth Ward.

Tenth, The tenth ward shall consist of all that part of said city lying between the west line of the Loranger farm and the east line of the Godfroy farm, and the said lines extended northerly and southerly to the city limits. Tenth Ward.

Eleventh, The eleventh ward shall consist of all that part of said city lying between the center lines of Chene street and McDougall avenue, and the said lines extended northerly and southerly to the city limits. Eleventh Ward

Twelfth, The twelfth ward shall consist of all that part of said city lying between the west line of the Loranger farm and the westerly line of the Porter farm, and the said lines extended northerly and southerly to the city limits. Twelfth Ward.

Thirteenth Ward.

Thirteenth, The thirteenth ward shall consist of all that part of said city lying between the center line of McDougall avenue and the center line of Mt. Elliott avenue, and the said lines extended northerly and southerly to the city limits.

Fourteenth Ward.

Fourteenth, The fourteenth ward shall consist of all that part of said city lying between the westerly line of the Porter farm and the westerly line of private claim forty-seven, and the said lines extended northerly and southerly to the city limits.

Fifteenth Ward.

Fifteenth, The fifteenth ward shall consist of all that part of said city lying east of the center line of Mt. Elliott avenue, and the said line extended northerly and southerly to the city limits; and the parcel of land situate in the Detroit river known as Belle Isle.

Sixteenth Ward.

Sixteenth, The sixteenth ward shall consist of all that part of said city lying west of the westerly line of private claim forty-seven, and the said lines extended northerly and southerly to the city limits. (As amended by Act approved May 13th, 1891.)

Powers of Council to Establish Election Districts.

(§ 5.) SEC. 5. Hereafter the division of said city into wards as herein provided shall govern; but the common council of said city shall have power by ordinance, to divide said wards into election districts of convenient size. The boundaries of each of said districts shall be particularly described in said ordinance. No district shall embrace parts of two or more wards, and each ward shall be divided into at least three districts. (As re-enacted by Act approved May 13th, 1891.)

Aldermen in New Wards.

(§ 6.) SEC. 6. Each of said wards, fourteen, fifteen and sixteen, shall be entitled to two Aldermen, and the first election for such aldermen shall be held at the next annual city charter election. One of said Aldermen for each ward shall be elected for one year, and the other for two years. The term of service for which said Aldermen are elected shall be designated on the ballots cast for them, and there-

after Aldermen shall be elected for said wards, and they shall serve in all respects as is now or may be hereafter provided for the existing wards of said city. Other ward officers, such as are now provided for existing wards, shall be elected at said election for said new wards, whose term of office, duties and powers shall be the same as those of like officers in existing wards. (As added by Act No. 398, Session Laws of 1885, approved June 20, 1885.)

Other ward officers.

(§ 7.) SEC. 7. The common council shall provide all necessary means for the registration of voters, and the holding of an election in said new wards at the next annual city charter election, in the manner provided by law in said city. (As added by Act No. 398, Session Laws of 1885.)

Registration and election.

(§ 8.) SEC. 8. This Act shall not interfere with or affect the assessment levy, or collection of any taxes assessed or levied during the present year on any of the lands hereby detached from the township of Hamtramck and Greenfield, or the village of Highland Park, but such taxes shall be assessed and collected in the respective townships to which said lands heretofore belonged, and in said village of Highland Park, in all respects as if this Act had not passed, and said lands shall not be subject to taxation in the city of Detroit until the year of our Lord one thousand eight hundred and ninety-two; Provided, however; That all said lands shall, after this Act takes effect, be subject to local assessments for the grading and paving of streets, or for the building of sidewalks, drains or sewers, in the same manner as the other territory of said city. (As amended by Act approved May 13th, 1891.)

Assessment on lands annexed to city.

(§ 9.) SEC. 9. The territory annexed to the city of Detroit by this Act shall remain a part of the school districts to which it now belongs until July first, eighteen hundred and ninety-two, and school taxes shall be levied and collected therein for the year eighteen

School districts and taxes for schools.

hundred and ninety-one. From and after the first day of July, eighteen hundred and ninety-two, the said territory so annexed shall become a part of the school district of the city of Detroit and entitled to its proportion of the moneys appropriated for primary schools and the district library of said district. The taxable property so annexed shall be listed and assessed in making out the assessment rolls of the city of Detroit for the year eighteen hundred and ninety-two, and in determining the amount of school taxes to be levied in the city of Detroit for the fiscal year commencing July first, eighteen hundred and ninety-two, the school children in the territory so annexed shall be considered; and taxes may also be levied for the construction of additional school buildings in said territory. On the first day of July, eighteen hundred and ninety-two, title to all school property, real or personal, situated in the territory so annexed, shall be vested in the Board of Education of the city of Detroit, and the school district officers shall turn the possession and control thereof over to said Board. (As amended by Act approved May 13th, 1891.)

School districts to be re-arranged.

(§ 10.) SEC. 10. It shall be the duty of the Board of School Inspectors of each of said townships of Greenfield and Hamtramck, and of the Board of Trustees of said village of Highland Park, to re-arrange the school districts of said townships and village, and to make proper disposition of the parts of the districts severed by this act remaining in said townships or in said village. The inhabitants of the parts of said districts left in said townships, and in said village, shall be represented by the Board of School Inspectors of each township, and the Board of Trustees of said village respectively, who shall have authority to adjust with the Board of Education of the city of Detroit the rights and equities involved in each case. The value of the school property and the unexpended school moneys shall be apportioned according to the assessed value of the taxable property of the respective parts of the divided districts, and the Board of Education of the city

of Detroit shall pay to such township or village districts as the Board of School Inspectors of each township, as the Board of Trustees of said village shall direct, the amount found due from it on such apportionment and adjustment. In case the Board of School Inspectors of any township, or the Board of Trustees of said village shall not be able to agree on an adjustment or apportionment in any case, the same may be made by Commissioners to be appointed by the Circuit Court for the county of Wayne, in chancery, on the bill or petition of either party, and said Court is given jurisdiction and authority to determine any and all questions that may arise in carrying out the provisions of this section, and to grant such relief in the premises as may be equitable. (As amended by Act approved May 13th, A. D. 1891.

Apportionment of unexpended school moneys.

CHAPTER II.

REGISTRATION AND ELECTION.

§ 11. SECTION 1. The city board of registration of the city of Detroit shall be composed of the chairmen of the several district boards of inspectors of election, and two other members of each of said boards designated by the members thereof at their first regular meeting, sitting as a board of registration. (As amended by Act approved June 28, 1887.)

Of whom city board of registration composed.

§ 12. SEC. 2. In the year eighteen hundred and eighty-four, and every fourth year thereafter, and in all other years in which a re-registration is necessary, the board of registration shall begin its sessions for the purpose of making a re-registration of the qualified electors of each ward and election district of said city, on the second Wednesday preceding the November election, so that the days of registration in such years of re-registration shall be four, of which the second Saturday preceding the election shall be the last. The board of aldermen shall, at least two weeks before the said meeting of said district boards, cause a notice to be published in one or more newspapers printed and published in said city, that the district boards of registration will meet on the days designated, to make a perfect list, as near as may be, of all persons residing in such ward or district, qualified as electors under the constitution, and designating the place in the district of each ward, where said board will meet for that purpose. And they shall also cause handbills to be posted in at least five conspicuous places in each district of each ward, containing a similar notice of the time and place of each meeting of the

Meetings of board of registration.

Notice of meeting.

board for that district; which notice shall also contain a true copy of section one of article seven of the constitution, relative to the qualifications of electors. All sessions of the boards of registration shall be from half-past seven o'clock A. M. to ten o'clock P. M. continuously each day, and said boards shall be provided with the proper blank books for registering the names of voters of the forms heretofore used, and shall have the same powers and perform the same duties as are conferred upon or required of boards of registration under the laws of the State, and the same rules and requirements shall be observed in such re-registration, in all respects, as are required by said laws: *Provided*, That said board, or any member thereof, shall not at any time write in the register the name of any person as an elector, without a request made by such person in the presence of said board at the time and place of registration. When such registration shall be completed, the former registry of electors in such wards or districts shall henceforth be deemed invalid, and shall not be used at the ensuing elections; and no person shall vote at any public election in said wards or districts, after such re-registration, whose name shall not be registered anew, under the provisions of this section, except such persons as were absent from the city, or sick during the entire sessions of said district boards, and who shall then qualify according to law. (As amended by Act approved June 19, 1889.)

Duration of sessions of boards.

When registry completed, former registry invalid.

§ 13. SEC. 3. On the second Thursday, Friday and Saturday next preceding the general election, and on the second Friday and Saturday next preceding the annual city elections of the city of Detroit, in every year other than that for which a re-registration of voters is provided for, and not afterwards, and on the second Friday and Saturday next preceding the spring elections, the district boards of registration of said city shall be in session in their respective districts, at such places as shall be designated by the board of aldermen, from ten o'clock in the forenoon to eight o'clock in the afternoon of

Meetings of district boards of registration.

each of said days, without intermission. The common council shall cause like notice of such sessions to be given as is provided in the preceding section. At the sessions of said district boards provided for in this section, they shall review and complete the list of qualified voters as provided by law; and in order to prevent, so far as possible, the blotting, mutilation, or disfigurement of said registration of electors, it is enacted that no name shall be entered in said registers excepting in the handwriting of one of the board of registration, and then only by direction of the proper board during its session; and no member of said board shall write or make any entry in said register excepting the same be permitted by law, and no other person shall make any entry or mark whatever therein, excepting inspectors of election, as provided by this act, and such other persons as may be authorized by the laws of the United States or of the State of Michigan: *Provided*, That any elector desiring to enter his name in his own handwriting, may do so, if the board shall have decided that such elector is entitled to be registered; but when any person shall have ceased to be an elector of any ward or election district, the board of registration of such ward or district, at its session, may note the fact in red ink across the name of said elector, in addition to the marks provided to be set opposite his name by law. No name shall be entered in said registers except upon the personal application at the time and place of registration, of an elector desiring his name to be registered, and upon due examination made as required by law. The district board of registration in each ward and district shall require each applicant for registration to state whether he has previously been registered in or resided in any other ward or district. Each board shall make a separate list of the new registrations made at their sessions, particularly specifying in such lists those who have previously resided or been registered in any other ward or district, noting the previous place of residence of such person, and shall deliver such

Notice of.

Proviso

separate lists to the city board of registration at its session hereafter provided to be held. (As amended by Act approved June 19, 1889.)

Registration Board to meet in Council Chamber to correct errors.

(§ 14.) SEC. 4. The city board of registration shall assemble at the common council chamber in the said city of Detroit on the Monday next preceding any election to be held in said city, excepting special elections held for election of ward officers, at nine o'clock in the forenoon. On the organization of said city Board, by the appointment of a chairman and clerk, said city Board shall proceed to examine the register of electors of the several wards and districts of said city; said Board may correct any errors appearing therein, but no new name shall be added thereto, or marked so as to indicate that any person has ceased to be an elector in any ward or district excepting as provided in this section. Whenever said Board shall find that any person is registered in two or more wards or districts of said city, the Board shall ascertain the ward or district in which such person is entitled to be registered, and shall indicate in the register of any other ward or district the fact that such person is not entitled to vote in such other ward or district, retaining the name of such person in the ward or district in which such person is entitled to vote.

Electors absent or sick.

(§ 15.) SEC. 5. When any person shall apply to the Inspectors of any election, excepting special elections for ward officers, in said City of Detroit, who has not been registered, to be registered by said Inspectors, alleging that he was absent or sick during the then last session of the district Board of Registration of the ward or district, said Inspectors shall require such applicant to state, on oath, that he was absent from the City of Detroit during said session, or sick and unable to attend said session.

Board of Registration in case of Special Elections.

(§ 16.) SEC. 6. Whenever the Common Council of said city shall order a special election to be held in any of the wards of said city for election of ward officers, said Council, by resolution, shall

direct the Board of Registration that last held its session in such ward to review and complete the list of qualified electors of such ward, on a day and at a place to be named in such resolution. Notice of the time and place of the session of said Board shall be published in at least one of the daily newspapers published in said city, for at least four successive days prior to such session. It shall not be necessary to insert in such notices the names of registered electors, or post handbills containing the same, as in the case of general or charter elections. The provisions of this act, or so much thereof as may be applicable, shall govern and regulate the action of said Board, each member thereof, and all otheir persons, in reviewing and completing the register of electors at such session. In case there is a vacancy in the then Board of Registration for such wards and districts, the Common Council shall fill the same.

Notice of Meeting, etc.

(§ 17.) SEC. 7. All the provisions of the general laws of the State relative to the powers and duties of the Boards of Registration and election, and all requirements and provisions of said laws relative to the conduct of registration and election, shall apply and be in full force in the city of Detroit, excepting as the same shall be altered or amended by this Act.

General Laws of the State to apply.

CHAPTER III.

CITY ELECTIONS.

(§ 18.) SECTION 1. The annual city election shall be held on the first Tuesday after the first Monday of November in each year; and on the years in which a general election is held, the city election shall be held and conducted in connection with such general election, and by the same officers. The places of holding the elections in the several wards and election districts in the city shall be designated by an order of the board of aldermen at least twenty days previous to any election to be held. It shall be the duty of the city clerk, within three days after the date of any such order, to give notice of such election in at least two daily newspapers published in said city, which notice shall be continued daily (except Sundays) in such papers to and including the day of election. Such notice shall specify the officers to be chosen, the day on which the elections [election] is to be held, the time for opening and closing the polls, and the place in each election district where the polls are to be held. The provisions of this section shall also govern the matter of the April elections to be held in each alternate year, and in special elections. The common council shall provide a suitable place in any election district, to be held and controlled by the city, for holding the elections in such district; but no election shall be held, nor shall any election be appointed to be held in any saloon or bar-room, or in any room or place contiguous with or adjoining thereto, and should any place be designated or appointed for holding an election in violation hereof, or become subject to such interdiction after having been so designated, the inspectors of

Annual election

Notice of.

Places of holding.

election shall have power, and it shall be their duty, on or before the day of such election, and before the opening of the polls on such day, to procure a suitable place as near thereto as may be, not subject to like interdiction. Said inspectors shall meet at the place first designated at the time for opening the poll, and after any vacancies in their number shall have been filled, adjourn to the place so chosen by them, and at the time of said adjournment give public notice to the electors present by proclamation of such change, and of the place where such election shall be held, and by posting at such place a conspicuous notice of such change, and all expense attending such change shall be certified by said inspectors to the common council, and shall be allowed and paid accordingly. Any person or persons introducing in any way upon election day into the place where an election is being held, any spirituous or malt liquors, and any inspector or clerk of election drinking any such liquors in such place, or being intoxicated therein upon election day, shall be deemed guilty of a misdemeamor, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding sixty days, or by both such fine and imprisonment in the discretion of the court. (As amended by Act approved June 28, 1887.)

Introduction or use of liquors in places where elections are being held.

(§ 19.) SEC. 2. There shall be elected in and for each election district in the city of Detroit five qualified electors of such district, at the times and in the manner hereinafter provided, who, with one of the aldermen of such ward, or such person as the common council may designate, as hereinafter provided, shall constitute a board of inspectors of election for such election district. Such inspectors shall be elected by ballot, as hereinafter provided, at the annual election in November of each year. Upon being so elected they shall qualify by filing with the city clerk the constitutional oath of office, and shall hold their said office for one year and until their successors are elected

Inspectors of election.

and qualified, and any vacancy in their number, caused by failure or inability to elect by ballot, as hereinafter provided, or by removal or death, may be filled for the remainder of said term by the electors present by *viva voce* vote, at the opening of the polls at any general or special election, and any vacancy caused by sickness or absence may in like manner be filled for the time being upon the opening of the polls at any general or special election* (as amended by Act approved June 28, 1887.) Vacancies in board.

(§ 20.) SEC. 3. In all elections for inspectors to be elected at the annual election as above provided, no ballot shall contain nor shall any elector vote for more than three candidates, and from the whole number of votes cast the five inspectors receiving the highest number shall be declared elected. (As amended by Act approved June 28, 1887.) Manner of electing inspectors.

(§ 21.) SEC. 4. The common council shall, at least two weeks previous to each general election, assign and designate the aldermen from each ward to election districts therein, and shall at the same time appoint a suitable person, who shall be a qualified elector in the district to each of the other districts in said city, and the alderman and person so appointed shall respectively be the chairman of the board of inspectors and of registration in their respective districts; and such chairman, with the five inspectors elected under the provisions of this act, shall be and constitute the board of inspectors of such election district and *ex-officio* the board of registration therein, until their successors are elected and qualified as herein provided. Each board of inspectors shall have power to appoint two or more competent clerks of election, who shall take the same oath as the inspectors, which oath either of the inspectors may administer. Any vacancy occurring in the chairmanship of any district board by death or removal from such district, may be filled by the common council; Chairman of board of inspectors and registration. Clerks of election. Vacancy in office of chairman of board.

*See note 1, appendix.

or in case of neglect or refusal, or in case of a vacancy from any other cause, the same may be filled by the electors present by a *viva voce* vote at the opening of the polls at any general or special election. In all cases of filling a vacancy or vacancies by *viva voce* vote of the electors under this act, upon the chairman of the board of inspectors, or in case of his absence, any member of said board designated by the inspectors present, declaring that the time for opening the polls has arrived, the qualified electors present may proceed to fill such vacancy or vacancies, and the persons so chosen shall qualify and take their seats, when the polls shall formally be declared open (as amended by Act approved June 28, 1887.)

Special registers.

(§ 22.) SEC. 5. On the day of election, after the full number provided for in said board shall have been elected as above, and before opening the polls, said board shall designate three of their number, with one or more clerks, to act as special registers in said district, as herein provided. Upon being so designated, said members shall, at some proper and convenient place in the same room, assemble, and in a book specially provided for such purpose, proceed to register any qualified voter of such district upon the personal application of such person, whom they shall require to state, in writing, that he was absent from the city of Detroit during the sessions of the board of registration for said year, where he was during the time of such session, and the business in which he was engaged, or that he was sick and unable to attend such session, which statement shall be subscribed and sworn to by such applicant before one of said inspectors, each of whom shall have authority to administer such oath. Such statement shall be made and kept in a book provided specially for such purpose, which shall be deposited with the city clerk. If any person shall willfully make and swear to a false statement, in whole or in part, for the purpose of being registered under this section, he shall be deemed guilty of perjury and be punished accordingly. Said board of regis-

Registration of qualified electors on election day.

False swearing perjury.

ters shall for the purposes of this section remain in session until twelve o'clock, noon, of said day, but no longer. Any person registered in accordance with the provisions of this section shall be entitled to vote at such election. No person shall be allowed or permitted to vote who has not been duly registered, either under the provisions of this section, or the general laws relating to registration (as amended by Act approved June 28, 1887.)

Session of board.

Who entitled to vote.

(§ 23.) SEC. 6. The polls of election shall be opened at eight o'clock in the forenoon, or as soon thereafter as may be, on the day of election, and shall be continued open until five o'clock in the afternoon of the same day, and no longer.

Time for opening and closing of polls.

(§ 24.) SEC. 7. The qualifications of electors under this act shall be those prescribed in the laws and constitution of this State and the United States: *Provided, however*, That women of or above the age of twenty-one years shall be entitled to vote for school inspectors, subject only to the same qualifications and regulations as those governing the voting of male citizens for said officers* (as amended by Act approved March 13, 1889.)

Qualifications of electors.

Proviso.

(§ 25.) SEC. 8. If, at any election, a vote shall be challenged, either of the inspectors of election shall be authorized to swear or affirm the person whose vote is challenged, to answer such questions as may be put to him touching his qualifications as an elector, and said inspectors shall decide from such examination as to the legality of such vote.

Challenging vote

(§ 26.) SEC. 9. If any person thus sworn or affirmed, shall willfully swear or affirm falsely as to any material matter concerning his qualifications as an elector, of said city, he shall be deemed guilty of perjury, and may be prosecuted therefor; and, on conviction thereof,

Punishment for false swearing.

*See note 2, appendix.

be punished by a fine not exceeding one thousand dollars, or imprisonment at hard labor in the state prison for a period not exceeding five years, or both, in the discretion of the court.

Punishment for voting more than once.

(§ 27.) SEC. 10. If any person shall vote in more than one ward or district, or more than once in the same ward or district, at any election in said city, he may be prosecuted therefor, and, on conviction, may be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labor in the state prison for a period not exceeding three years, or both, in the discretion of the court.

Manner of conducting elections.

(§ 28.) SEC. 11. The manner of conducting and voting at elections to be held under this act, the keeping of the poll-list, canvassing of the votes, certifying the returns, and all other proceedings connected with such elections shall be the same as nearly as may be, as is now or hereafter may be provided for by the laws of this State, applicable to general State elections, except as may be otherwise provided in this act: *Provided*, That the names of all school inspectors to be voted for at any election shall be upon a separate ticket or ballot and said tickets or ballots shall be deposited by the inspectors of election in a separate ballot box provided for that purpose, and the clerks of election shall make a separate poll-list containing all the names of women voting at said election (as amended by Act approved March 13, 1889.)

Proviso.

Canvass of ballots and return.

(§ 29.) SEC. 12. At two o'clock in the afternoon on each election day said board of inspectors shall designate three of their number, with one or more clerks appointed by said board for such purpose, to open the ballot box or boxes into which the ballots for officers shall, up to that time, have been deposited, and who shall immediately proceed to canvass the votes therein, and upon closing the polls, all of said inspectors shall immediately proceed, before recess or adjournment, to complete the canvass of all votes cast, publicly announce the result, and certify full and true returns thereof in

duplicate under their hands, and return the ballots to the boxes and carefully fasten and seal the same. One copy of such returns shall be placed in an envelope, carefully sealed, and the names of all the inspectors present written across the back of the envelope in such manner that the same cannot be opened without breaking such seal, and otherwise defacing such envelope and signatures, and such envelope containing the returns shall be directed to the city clerk, and shall have the name or number of the election district thereon, and shall then, together with the poll-lists and keys of the ballot boxes, by any two members of the board designated for that purpose, be taken directly from such polling place to the office of the city clerk, who shall keep his office open until the returns from all the election districts shall have been received, and there delivered by such inspectors to said clerk or one of his deputies, who shall observe whether such envelope has been tampered with, and such clerk or his deputy, upon receiving the same, shall endorse thereon over his official signature the names of the inspectors from whom he received such returns, and the time he received the same, and whether the same are in apparent good order, and shall thereupon deposit the same in a safe and secure place in his office, where such returns, poll-lists and keys shall remain until the meeting of the board of canvassers, when such returns, unopened, shall be delivered to said board. The other copy or duplicate of such returns shall be placed in an envelope, sealed and signed in like manner, and addressed to the county clerk, and delivered to two other inspectors designated for such purpose, who shall proceed directly, but not in company with the inspectors carrying the returns to the city clerk, to the office of the county clerk, who shall keep his office open until the returns from all the election districts shall have been received, and there delivered by such inspectors to said clerk or one of his deputies, who shall observe whether such envelope has been tampered with, and such clerk or his deputy, upon receiving

Copy of return to be delivered to city clerk.

Endorsement on returns by city clerk.

Copy of return to be delivered to county clerk.

Endorsement on returns by county clerk.

the same, shall endorse thereon, over his official signature, the names of the inspectors from whom he received such returns, and the time he received the same, and whether the same are in apparent good order, and shall thereupon deposit the same in a safe and secure place in his office, where such returns shall remain unopened until the meeting of the board of canvassers, when such returns shall be delivered to said board. Any one or more electors present at the polling place in any election district shall have the right to accompany the inspectors designated to so deliver such returns from the polling place to the city or county clerk's office. And should said inspectors or either of them prevent or attempt to prevent such electors from so accompanying them, or evade or attempt to evade such electors, or stop at any place on the way from such polling place to said city or county clerk's office, without apparent necessity therefor, he or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished accordingly. Said inspectors upon returning the ballots to the boxes, and fastening and sealing the same, shall thereupon deliver the same to a member of the Metropolitan police, who shall be sent to the polling place by the superintendent of the police force for the purpose of receiving the same, who shall forthwith convey said ballot boxes to police headquarters and there deliver them to the said superintendent or some member of said force specially designated by said superintendent to receive the same, and the said boxes when so received shall be deposited by said superintendent or person so receiving the same in some safe place and shall remain in the custody of said superintendent for six months thereafter, when the ballots therein may be taken out and destroyed. Whenever within such period any court of competent jurisdiction, board of canvassers or other competent authority, shall require such ballot boxes for the purpose of having or making a re-count of the ballots therein contained for any one or more candidates, the said superintendent shall,

Certain acts of inspectors a misdemeanor.

Disposition of ballots and boxes at the close of election.

How boxes may be procured for re-count of ballots.

upon proper demand or request in writing, send such box or boxes as may be required by one or more of the Metropolitan police to the court or board so entitled thereto. But such box or boxes shall not be taken from the custody of such member or members of the police force except to open the same and count the ballots therein in his or their presence, and upon such count being made the ballots shall be returned to the box or boxes from which they were taken, duly locked and sealed, and said boxes then be conveyed back by the members in charge to such superintendent. It shall be the duty of the common council of the city of Detroit, during the month of September, one thousand eight hundred and eighty-seven, to appoint three qualified electors in each election district in said city, one of whom shall be an alderman, so far as may be, who shall constitute the board of registration, and also act as inspectors of election in each election district, until their successors are elected and qualify under this act: *Provided, however*, That at the annual election to be held in November, eighteen hundred and eighty-seven, at the opening of the polls, the electors present shall, in each election district, by *viva voce* vote, choose three qualified electors of such district, who with said members of the board of registration shall constitute and be the board of inspectors of election in and for such district at said election, and all the provisions of this act relative to three of said inspectors acting as special registrars and to the canvassing and returns to be made, shall apply to and govern said board of inspectors so appointed and elected under this section. (As amended by Act Approved June 28, 1887.)

Appointment of first inspectors of election.

Proviso.

(§ 30.) SEC. 13. Special elections shall be conducted as near as may be in the same manner as general elections, but in such cases the returns of the inspectors shall be opened and canvassed, and the result declared by the common council at a session to be held for that purpose on the Saturday next after the election, at three o'clock in the afternoon. (As amended by Act approved June 2, 1887.)

Conduct of special elections.

(§ 31.) SEC. 14. If any person be voted for at any election to fill a vacancy, or residue of a term, the ballot of the electors shall designate such vacancy or residue.

Plurality to elect.

(§ 32.) SEC. 15. In the canvass of votes, any person who has received a plurality of the votes for any office shall be declare duly elected to such office.

In case of tie vote.

(§ 33.) SEC. 16. When two or more persons shall have an equal number of votes for the same office, the election shall be determined by the drawing of lots in the presence of the common council. The name of each of such persons shall be written on separate slips of paper, and each slip deposited in a box or other proper place, and the president of the common council shall draw out of said box or other place, in the usual manner of determining by lot, one of said slips, and the person whose name is thereon shall be deemed entitled to hold the office for which he received said votes in the same manner as other officers duly elected. (As amended by Act approved June 2, 1887.)

State and County elections.

(§ 34.) SEC. 17. The mode of conducting all, state, congressional and county elections in said city shall be in the manner herein provided for the election of the city officers, except that the returns thereof shall be made to the county clerk. and the same proceedings had, as near as may be, as are now, or hereafter may be provided by law for the return of votes by township inspectors of election.

Returns to be made to the county clerk.

Privileges from arrest on election day.

(§ 35.) SEC. 18. No person entitled to vote at any election, held under this act, shall be arrested on civil process within said city on the day on which such election is held.

CHAPTER IV.

OFFICERS, WHO ELECTED OR APPOINTED, QUALIFICATIONS, BONDS, OFFICIAL TERMS, REMOVAL, VACANCIES, ETC.

Elective officers, terms of office of, etc.

(§ 36.) SECTION 1. There shall be elected at the annual city election, by the duly qualified electors of the whole city, the following officers of the corporation on a general city ticket, viz: A mayor and city attorney, who shall hold their office [offices] for the term of two years, and a city clerk, who shall hold his office for the term of two years, beginning on the second Tuesday of January next succeeding their election, and a treasurer, whose term of office shall be two years, beginning on the first day of July next succeeding his election. There shall be elected at the spring election in every alternate year six school inspectors, to hold office for four years, beginning on the first day of July following their election. There shall be four justices of the peace in and for said city, who shall hold their offices, possess the same jurisdiction and powers, subject to the act of the legislature establishing a police court of the city of Detroit, and be subject to the same duties and liabilities as provided by the general laws of this State, or any special act of the legislature relating to justices of the peace. At said annual election one alderman and one constable shall be elected in each ward, the former for a term of two years and the latter for a term of one year from the second Tuesday of January next succeeding such election. There shall be elected a a recorder as hereinafter provided. (As amended by Act approved June 2d, 1887.)

Officers appointed on nomination of mayor, term of office of, etc.

(§ 37.) SEC. 2. The following officers shall be appointed by the common council on the nomination of the mayor, viz: A controller, three city assessors, who shall be known as the board of assessors, a receiver of taxes and a city counselor, who shall be a a practicing attorney, and whose term and duties of office and compensation shall be prescribed by the common council, who shall hold their office [offices] for the term of three years, respectively, beginning on the first day of July in each case: *Provided*, That the board of assessors shall be non-partisan, and the first three shall be composed of the present city assessors for their respective terms, and annually thereafter one member for the full term of three years. Also the following boards, to hold their respective offices as now provided by the several acts relating to each board, viz: A board of public works, to be composed of three members; a board of water commissioners, of five members: a board of inspectors of the house of correction, of four members; a board of poor commissioners, of four members; a board of fire commissioners, of four members; a board of health, of three members; and a board of Belle Isle park commissioners, of four members. There shall also be appointed by the controller a deputy controller, who shall, in case of the inability of the controller to perform the duties of his office by reason of sickness, absence from the city, or other sufficient cause, be vested with all the powers, and perform all the duties of the controller, until the disability of the controller shall cease: *Provided*, *however*, That such deputy controller shall in no case have the right or power to act as controller unless the disability of the controller shall have been first declared by a resolution of the common council, nor unless said deputy controller shall have first qualified by filing an official bond in such penal sum as the common council may direct, and with sureties approved by them. There shall also be appointed by the city clerk a deputy city clerk, who shall, in the absence or inability to act of the city clerk, be vested

Proviso

Controller to appoint deputy.

Proviso.

Clerk to appoint deputy.

with all the powers and perform all the duties of the city clerk, and who shall file an official bond [in] such penal sum as the common council may direct, and with sureties approved by them: *Provided further*, That in case of the death, resignation or removal of the city clerk, the deputy city clerk shall continue to perform the duties of the office of city clerk until the next regular election, when the vacancy may be filled. There shall also be appointed by the city treasurer a deputy city treasurer, who shall, in the absence or inability to act of the city treasurer, be vested with all the powers and perform all the duties of the city treasurer, and who shall file an official bond in such penal sum as the common council may direct, and with sureties approved by them: *Provided further*, That in case of the death, resignation or removal of the city treasurer, the deputy city treasurer shall continue to perform the duties of the office of city treasurer until the next regular election, when the vacancy may be filled. (As amended by Act approved June 2d, 1887.)

Proviso.

Treasurer to appoint deputy.

Proviso.

(§ 38.) SEC. 3. The following officers shall be appointed by the board of aldermen at a meeting to be held on the second Tuesday in June of each year, viz: One or more clerks of the market, one or more weighmasters, one or more poundmasters, a gas inspector, and such other officers, deputies, assistant officers and agents as may be necessary, and whose appointment shall be authorized by prior resolution of the common council. Also a board of inspection of election, to be appointed and constituted as provided by this act: *Provided*, That any appointment which shall not be made on the day named, may be made at any subsequent regular session of the board of aldermen: *And provided further*, That any office created by ordinance or resolution of the common council may be filled at any time until the second Tuesday of June following, when, as in the case of other officers, the regular term of service shall commence, and the office, if continued, be filled for the ensuing year, unless

What officers appointed by the Board of Aldermen.

Offices created by ordinance, etc.

otherwise provided by the ordinance or resolution creating such office.

Appointment of city physicians and engineer.

(§ 39.) SEC. 4. There shall be appointed by the board of health three or more city physicians, whose term of office shall be one year, beginning on the first day of July; also a city engineer, on the nomination of the board of public works, whose term of office, duties and compensation shall be fixed by the common council.

All officers to hold office until successor appointed or elected.

(§ 40.) SEC. 5. All officers, whether elected or appointed, shall hold their offices respectively until their successors shall be duly elected or appointed and qualified, and shall enter upon the discharge of their duties.

Officers to be resident electors.

(§ 41.) SEC. 6. No person shall be elected or appointed to, or shall hold any office under this act who shall not be, at the time of his election or appointment, and so long as he shall hold such office, a resident elector of said city; and no person shall be elected or appointed to, or shall hold such office for any ward in said city who, at the time of his election or appointment, and so long as he shall hold such office, shall not be a resident elector of the ward from and for which he may be elected or appointed: *Provided, however*, That women shall be eligible to the office of school inspector, subject to the qualifications and restrictions of other persons eligible thereto. If any person elected or appointed to any office in the corporation shall cease to be a resident of the city or ward for which he may have been elected or appointed, such office shall thereby be vacated. (As amended by Act amended by Act approved March 13, 1839.)

Proviso.

Qualification of Attorney.

(§ 42.) SEC. 7. No person shall be elected to the office of attorney unless he be at the time of his election a counselor of the supreme court of this State of two years' standing.

(§ 43.) SEC. 8. No person shall be elected or appointed to any office created by this act who is now a defaulter to said city, or to any board of officers thereof, or to the State of Michigan, or to any county thereof: and any person shall be considered a defaulter who has refused or neglected, or may hereafter refuse or neglect for thirty days after lawful demand made, to account for and pay over to the party authorized to receive the same, any public money which has come into his possession. If any person holding any such office shall become a defaulter while in office, such office shall thereby be vacated.

Defaulters ineligible to office.

(§ 44.) SEC. 9. No person shall be elected or appointed to any office under this act unless he is able to read and write the English language intelligibly, and if any such person be elected or appointed, the common council may declare such appointment or election void.

Officers to be able to read and write English language.

(§ 45.) SEC. 10. No member of the common council shall hold any other city office, excepting as provided by this act, or any other legislative office, or any county office, excepting notary public.

Members of Council to hold no other office.

(§ 46.) SEC. 11. No person interested, directly or indirectly, either as principal or surety, in any contract or agreement, written or verbal, to which the corporation shall be a party in interest, or to which any officer or Board under this act shall officially be a party, for the construction of any sewer, pavement, building, or performance of any public work whatever, or involving the expenditure, receipt or disposition of money or property of the corporation, by any officer or board under this act, shall be eligible or appointed to any office under this act; and if any person thus interested shall be elected or appointed to office, his election or appointment shall be void, and his office shall be deemed vacant.

Person interested in contract disqualified for office.

(§ 47.) SEC. 12. If any member of the common council, or other officer of the corporation, after his election or appointment, or while in office, shall become, or cause himself to become interested, directly

Officers becoming interested in contracts to be removed, punishment, etc.

or indirectly, in any contract or agreement, written or verbal, to which the corporation shall be a party in interest, or to which any officer or board under this act shall officially be a party, or in any question, subject or proceeding, pending before the common council, with intent to gain, directly or indirectly, any benefit, profit, or pecuniary advantage, he shall be removed from his office, and his office declared vacant by the common council, and he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted therefor, and on conviction shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the state prison not exceeding one year, or both, at the discretion of the court.

Bribery of members of Council, and how punished.

(§ 48.) SEC. 13. If any person shall offer, directly or indirectly, to a member of the common council, or if any member of the common council shall directly or indirectly accept, or agree to accept, any money, goods or chattels, or any bank note, bank bill, bond, promissory note, due bill, bill of exchange, draft, order or certificate, or any security for the payment of money or goods and chattels, or any deed or writing containing a conveyance of land, or containing a transfer of any interest in real estate, or any valuable contract, in force, or any other property or reward whatsoever, in consideration that such member of the common council will vote affirmatively or negatively, or that he will not vote, or that he will use his interest or influence on any question, ordinance, resolution, or other matter or proceeding pending before the common council, he shall be removed from office, and his office declared vacant by the common council, and both he and the person making such offer, as aforesaid, shall be deemed guilty of misdemeanor, and may be prosecuted therefor, and on conviction, shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the state prison, not exceeding one year, or both, at the discretion of the court.

Oath of office.

(§ 49.) SEC. 14. Every officer, appointed or elected under this act, before entering on the duties of his office, shall take and subscribe the following oath of office: "I do solemnly swear (or affirm) that I will support the constitution of the United States, and of this state, and that I will faithfully discharge the duties of such office to the best of my ability;" and shall file said oath, duly certified by the officer before whom it was taken, in the office of the clerk of said city

Officers elected, when to enter upon duties.

(§ 50.) SEC. 15. Officers, who are elected at the annual city election, except treasurer, shall take and subscribe the oath of office before the city clerk, file their official bonds, and enter upon their official duties, on the second Tuesday of January next ensuing their election, or within ten days thereafter. The treasurer shall file his official bond, take and subscribe the oath of office before the city clerk, and enter upon his official duties on the first day of July next ensuing his election. Officers who are appointed, shall qualify and enter upon their official duties on the first day of July next ensuing their appointment: *Provided*, That assistants and clerks appointed upon nomination of any officer, shall assume the duties of their positions upon confirmation of such nomination by the proper body. Officers who are either elected at a special election, or appointed to fill the unexpired portion of a term, shall take and subscribe the oath of office, file their official bonds, and enter upon their duties within ten days next ensuing notice of their election or appointment, except justices of the peace.

Treasurer's oath of office and term.

Officers appointed, when, etc.

Offices, how discontinued.

(§ 51.) SEC. 16. Any officer hereby authorized, but not specially named, may at any time be discontinued by the common council, and if there be an incumbent in such office, such discontinuance shall, on notice thereof, discharge him from the office, and a further execution of its duties, and his office be deemed vacant.

Recorder subject to impeachment.

(§ 52.) SEC. 17. The recorder shall be subject to impeachment and removed from office for corrupt conduct in office, or for crimes and misdemeanors, in the same manner as judicial officers, pursuant to the provisions of the constitution of this state.

Expulsion and removal of officers.

(§ 53.) SEC. 18. The common council may, by a vote of two-thirds of all the members elect, expel or remove from office any of their own members, and may remove any other officer holding office by election, except the mayor and recorder, for corrupt or willful malfeasance or misfeasance in office, or for willful neglect of the duties of his office, by a vote of two-thirds of all the members elect, and in such case the reason of such expulsion or removal shall be entered on the records of the common council, with the names and votes of the members voting on the question. No officer holding office by election shall be expelled or removed by said common council unless first furnished with a copy of the charges in writing and allowed to be heard in his defence, with aid of counsel; and, for the purpose hereof, the common council shall have power to issue subpœnas, to compel the attendance of the witnesses and the production of papers, when necessary, and shall proceed, within ten days after service of a copy of the charges, to hear and determine upon the merits of the case. If such officer shall neglect to appear and answer to such charges, his failure so to do may be deemed good cause for his removal from office. The mayor shall have power to suspend or remove constables from office, and in case of such suspension or removal from office, the mayor shall report the same, with the reasons therefor, to the common council. (As amended by Act approved June 2, 1887.)

Removal of elective officers, proceedings for etc.

Removal of officers appointed.

(§ 54.) SEC. 19. Any officer holding by appointment, unless otherwise provided by law or ordinance, may be removed at any time by the common council, without charges, and a trial thereof, by a vote of the majority of the members elect, except the controller, receiver

of taxes, and superintendent of the house of correction, who may be removed for the same causes and on the same proceedings as a member of the common council.

Temporary suspension from office, how made.

(§ 55.) SEC. 20. Any officer, holding office by election, except the Recorder, against whom charges shall be preferred, may be suspended from office by a majority vote of all the members of the common council elected, until such charges shall be heard and determined; and any officer holding office by appointment, may be suspended temporarily from office, at any time, by the like vote.

Vacancies.

(§ 56.) SEC. 21. In the case of expulsion or removal from office, death, resignation, or permanent disability of any officer, his office shall thereby become vacant, and may be so declared by the common council.

Resignations. Filling vacancies in office of mayor or aldermen.

(§ 57.) SEC. 22. Resignations of office shall be made in writing, as follows: By the mayor to the common council, by the aldermen to the president of the common council, by all other elective officers to the mayor, who shall report the same to the common council for its acceptance, by all appointive officers to the mayor or other officer or board whose duty it is to fill the vacancy. (As amended by Act approved June 2d, 1887.)

Vacancies in appointed offices.

(§ 58.) SEC. 23. If any office of appointment shall become vacant, a successor to serve for the unexpired portion of the official term may be appointed in the same manner as his predecessor.

Filling vacancies in office of mayor or aldermen.

(§ 59.) SEC. 24. If a vacancy occurs in the office of mayor or alderman more than six months before the time for holding the next succeeding annual city election, the common council shall order a special election to fill such vacancy for the residue of the official term; if it occurs within six months before the time for holding such election the common council may, in its discretion, order a special

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election to fill such vacancy for the residue of the official term. (As amended by Act approved June 2d, 1887.)

Filling vacancies in other elective offices.

(§ 60.) SEC. 25. If a vacancy occurs in any elective office other than that of mayor, recorder or alderman, the common council shall appoint some person eligible under this act, unless otherwise provided, to serve in such office until the next annual election, when the vacancy shall be filled for the residue of the official term. (As amended by Act approved June 2d, 1887.)

Official bonds.

(§ 61.) SEC. 26. The controller, treasurer, clerk, attorney, receiver of taxes, superintendent of the house of correction, clerk of the market, and such other officers as the common council may direct, shall, respectively, before they enter upon the duties of their respective offices, file in the clerk's office an official bond, in such sum and with such sureties as the common council shall direct and approve.

Conditions on official bonds.

(§ 62.) SEC. 62. The official bond of every officer shall be conditioned that he will faithfully perform the duties of his office, and will, on demand, deliver over to his successor in office, or other proper officer or agent of the corporation, all books, papers, moneys, effects and property belonging to the corporation, or appertaining to his office which may be in his custody as an officer; and such bond may be further conditioned, as the common council shall prescribe. The official bond of every officer whose duty it may be to receive or pay out money, besides being conditioned as above required, shall be further conditioned that he will, on demand, pay over or account for to the corporation, or any proper officer or agent thereof, all moneys received by him as such officer.*

Constable's bond.

(§ 63.) SEC. 28. Every person elected to the office of constable in said city, before entering on the duties of his office, shall, with two

*See note No. ?, appendix.

or more sureties, to be approved by the common council, execute and file with the city clerk a bond or instrument, in writing, to the city of Detroit, in the penal sum of two thousand dollars, conditioned, well and faithfully in all things, to execute and perform the duties of his office during the continuance therein, and to pay to each and every person who may be entitled thereto, all sums of money which said constable may become liable to pay on account of any execution or process for the collection of money which shall be delivered to him; and further conditioned as the common council may prescribe.

Council may order new official bonds.

(§ 64.) SEC. 29. The common council may at any time require any officer, whether elected or appointed, to execute and file with the clerk of the city, new official bonds, in the same or in such further sums, and with new or such further securities as said council may deem requisite for the interest of the corporation.

Clerk to give officer notice of election

(§ 65.) SEC. 30. The clerk of the city shall cause every officer, whether elected or appointed, as soon as practicable after his election or appointment, to be served with a written notice thereof and of the amount of his official bond; and if such officer shall neglect to take and subscribe his oath of office, or to file his required official bond within the time prescribed therefor by this act, or if any officer required to execute and file a new official bond, as provided in the preceding section, shall not comply with such requirement within ten days after notice thereof from the city clerk, the common council may declare the office in such case vacant, and such vacancy may be filled as heretofore provided in this act.

Neglect to qualify.

Sureties on bonds, how approved.

(§ 66.) SEC. 31. The common council or such officer as the common council shall, by resolution or ordinance prescribe, may examine into the sufficiency of the proposed sureties on any official bond or instrument, in writing, required by this act, or on any contract, in writing, to which the corporation, or any officer or board, under this

act, shall be a party in interest, and may require such sureties to submit to an examination, under oath, as to their property and responsibility. The depositions of the sureties shall be reduced to writing, be signed by them, certified by the person taking the same, and annexed to or filed with the bond, or instrument, in writing, to which it relates.

Clerk to report those neglecting to qualify

(§ 67.) SEC. 32. The clerk of the city shall report the name of any person elected or appointed to any office, who shall have neglected to file his official bond and oath of office, as required by this act, to the board of aldermen, at its next meeting after such default.

Nomination to common council, of assistants, etc., by officers.

(§ 68.) SEC 33. Each officer of the city, and each board or commission of the city, the appointment of whose assistants or other employes is vested in the common council, shall annually nominate to the common council the person or persons whom the said officer, board or commission shall desire to have appointed to any position in their respective offices, or under their control, designating in the communication of nomination the position or duty to which such person or persons are to be assigned. And it shall be the duty of the common council to confirm or reject the said nominations, and no person or persons shall be appointed to any such office without first having received the nomination of the head of the office, or board or commission in which such person or persons are to be employed. This section shall not apply to appointments already lawfully made. In case of the incompetency, neglect of duty or other misconduct of any such assistants, clerks or subordinates so appointed to any such office, the officer, board or commission in whose office such person or persons have been appointed, shall represent the fact of such incompetency, neglect of duty or other misconduct to the common council by communication, which communication shall contain the charges

Common council to confirm or reject nomination.

In case of incompeteney, etc., of persons nominated.

and specifications [specification] of any such neglect of duty, incompetency or other misconduct; and if such charges are sustained, then such assistants, clerks or subordinates may be removed by the common council. Any vacancy so occasioned, or by resignation, death or otherwise, shall be filled in the manner above provided. (As amended by Act approved June 2d, 1887.)

All fees to be paid City Treasurer.

(§ 69.) SEC. 34. All such fees or charges as are, or may be, by the city charter or ordinances, made chargeable or collectable by any city officer, executive board or commission of the city of Detroit, except as the same may apply to the board of education, the board of fire commissioners, the Metropolitan police commissioners, and the board of water commissioners, shall belong to the city of Detroit, and be paid over to the city treasurer by such officer, executive board or commission, and a receipt therefor taken in the same manner as is provided for all other collections and payments to or for the city of Detroit. And such officer, executive board or commission shall make a written report to the controller, under oath, of all such fees and charges so collected and deposited, together with the receipt from the city treasurer for the same, in the same manner as is provided for similar reports. And no officer, executive board or commission, excepting the boards above particularly mentioned, or the employes of said boards, shall receive compensation for his or their services, other than such salary as may be fixed by the common council in the manner provided.

Officers Boards to make full reports of.

No officer to receive other compensation than salary, etc.

CHAPTER V.

OFFICERS, THEIR RIGHTS, POWERS AND DUTIES.

(§ 70.) SECTION 1. The mayor shall be the chief executive officer of the city of Detroit, and conservator of its peace. It shall be his duty to keep an office in some convenient place in said city, to be provided by the common council; to see that all officers of said city faithfully comply with and discharge their official duties; to see that all laws pertaining to the municipal government of said city, and all ordinances and resolutions of the common council be faithfully observed and executed; and he shall have power in his discretion to report to the common council any violations thereof. He shall, from time to time, give the common council such information and recommend such measures as he shall deem necessary or expedient. Mayor, his duties.

(§ 71.) SEC. 2. The mayor shall be paid a salary of twelve hundred dollars per annum. In case of a vacancy in the office of mayor, or his being unable to perform the duties of this office by reason of sickness, absence from the city, or other cause, the president of the common council shall be acting mayor; and in case, at the same time, there shall be a vacancy in the office of president of the common council, or he shall be unable to perform the duties of his office by reason of sickness, absence from the city, or other cause, the president *pro tempore* of the common council shall be acting mayor, and such acting mayor shall be vested with all the powers, Salary of. In case of vacancy, absence, etc., of mayor.

and shall perform all the duties of mayor until the vacancy or vacancies aforesaid be filled, or the mayor or president of the common council, as the case may be, shall resume his office. (As amended by Act approved June 2, 1887.)

President *pro tempore.*

(§ 72.) SEC. 3. The common council shall at its session on the second Tuesday in January of each year elect from its number, by a *viva voce* vote, a president for the year, and a president *pro tempore*, to supply his place in case of vacancy or temporary absence. (As amended by Act approved June 2, 1887.)

Powers and duties of.

(§ 73.) SEC. 4. The president *pro tempore* of the common council shall preside at the meetings in case of a vacancy in the office of president, or of the president being unable from any cause to preside or be present. In such case the president *pro tempore* [shall] be invested with all the powers and shall perform all the duties of president until he shall resume the duties of his office or the vacancy be filled. (As amended by Act approved June 2, 1887.)

City Attorney's duties.

(§ 74.) SEC. 5. The city attorney shall appear in and conduct all suits, prosecutions and proceedings in the recorder's court, to which the city of Detroit is a party, to the end thereof, subject to the rules and practice of said court, and if the same be removed to any other tribunal, by writ of error, *habeas corpus*, or otherwise, he shall conduct the case before such tribunal.

City Clerk's duties.

(§ 75.) SEC. 6. The clerk of the corporation shall keep the corporate seal, and all papers filed in or pertaining to his office, and shall be clerk of the common council, shall attend its meetings, and shall make and preserve a record of all its ordinances, resolutions and other proceedings, in proper books to be provided therefor, and when requested, shall duly certify, under the corporate seal, copies

thereof, and of all papers duly filed in his office pertaining to the same, and shall possess and exercise the powers of township clerks.

Controller's duties.

(§ 76.) SEC. 7. It shall be the duty of the controller to countersign all bonds which the corporation or common council is authorized to issue, pledging the faith and credit of said city; to receive all accounts and demands against the corporation, examine them in detail, audit and allow them, or such parts thereof as to the correctness of which he has no doubt, and which the claimant is willing to accept in full discharge thereof, file and number them as vouchers in the order of their allowance, register them, with the amount allowed and date of allowance, in the same order, in a proper book provided for such purpose, and, on their being properly discharged, in writing, to draw and sign his warrant therefor, upon the treasurer, when the same is ordered to be paid by the common council. If he shall have any doubt concerning their correctness, he shall register them in a separate list, and return them to the common council with his objections. If the same be allowed by the common council, in pursuance of their authority under this act, on their return to the controller, with a certificate of the clerk endorsed thereon that they have been allowed by the common council, he shall then file and register them in the list of allowed claims, in the same manner as above provided for the registering of claims, audited and allowed by him, and, on their being properly discharged, in writing, shall draw and sign his warrant therefor on the treasurer. It shall also be the duty of the controller to lay before the common council, once in each year, in the month of July, or oftener if directed by the common council, a schedule of all accounts audited and allowed by him, and of all leases of the property of the corporation, specifying the names of the lessees, the rates of rent, and the period when the leases will terminate. It shall also be the duty of the controller to examine the tax rolls and returns of the city officers, and take general supervision of

File vouchers.

Warrants.

Register doubtful accounts and return to council.

To present to council in July each year schedule of accounts, etc.

Examine Tax rolls and returns of officers.

the financial concerns of the corporation; to keep a complete set of books, exhibiting the financial condition of the corporation in its various departments and funds, its resources and liabilities, with a proper classification thereof, and each fund or appropriation for any distinct object of expenditure, or class of expenditures. When any such fund or appropriation has been exhausted by warrants already drawn thereon, or by appropriations, liabilities, debts, and expenses actually made, incurred or contracted for, and to be paid out of such fund or appropriation, the controller shall advise the common council thereof at its next meeting.

Advise Council when any fund is exhausted.

(§ 77.) SEC. 8. The controller shall also open an account with the treasurer, in which he shall charge said treasurer with the whole amount of taxes, general and special, levied in said city, also the whole amount in detail of all bonds, notes, mortgages, leases, rents' interest and other moneys receivable, in order that the value and description of all personal property belonging to the corporation may, at any time, be known. He shall also keep a list of all the property, real, personal and mixed, belonging to the corporation, and of all its debts and liabilities, in order that the amount of the moneys and liabilities of the corporation may at any time be known at his office. The controller shall also perform such other duties as are prescribed by this act, or may be prescribed by the common council, subject to the provisions hereof. The controller shall also open accounts with the treasurer, in which he shall charge him with all moneys appropriated, raised or received for each of the several funds of the corporation, and credit him for all the warrants drawn thereon, keeping a separate account of debit and credit of each fund, charging every warrant drawn to the account of the particular fund constituted or raised for the specific purpose for which such warrant is drawn, in order that it may be known at the controller's office when each fund

To open account with Treasurer.

Keep a list of property belonging to the City.

has been or may be exhausted, and what balance, if any, may remain therein.

Treasurer's duties.

(§ 78.) SEC. 9. The treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the corporation. He shall receive all moneys belonging to and receivable by the corporation, and keep an accurate account of all receipts and expenditures thereof; but no receipt given by the city treasurer shall be valid unless countersigned by the controller. He shall pay no money out of the treasury except in pursuance of and by authority of law, and on a warrant signed by the controller, which shall specify the purpose for which the amount thereof is to be paid. He shall keep an accurate account of, and be charged with, all taxes and moneys appropriated, raised or received for each fund of the corporation; shall keep a separate account for each fund, and shall pay every warrant out of the particular fund constituted or raised for the purposes for which said warrant was issued, and having the name of such fund indorsed thereon by the controller. He shall exhibit to the common council annually, and as often and for such period as may be required, a full and detailed account of all receipts and disbursements since the date of his last annual report, classifying them by the fund to which such receipts are credited, and out of which such disbursements are made; shall report to the controller, at the end of each month, the amount received and credited by him to each fund, and on what account received; and shall also, when required, exhibit a general statement showing the financial condition of the treasury; which account, report and statement shall be filed in the office of the controller.

Annual Report.

City Engineer's powers and duties.

(§ 79.) SEC. 10. The city engineer shall have power, and it shall be his duty, to survey within the corporation limits. He shall have the same power to make surveys and plats within the corpora-

tion limits as are now or may hereafter be given, by law, to county surveyors, and the like effect and validity shall be given to his official acts, surveys and plats as are or may hereafter be given, by law, to the official acts, surveys and plats of county surveyor. He shall make out the assessment rolls for paving, for side and crosswalks, for lateral sewers, and for all other special assessments, and shall survey for the city.

Duties of Board of Assessors.

(§ 80.) SEC. 11. The board of assessors shall assess all the property liable to assessment, for the purpose of levying the taxes lawfully imposed thereon, as hereinafter more particularly provided.

Books, papers, etc., to be delivered to successors in office.

(§ 81.) SEC. 12. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys and effects in his custody as such officer, and in any way appertaining to his office, and every person violating this provision shall be deemed guilty of misdemeanor and may be proceeded against in the same manner as public officers generally for the like offense, under the general laws of this State, now or hereafter in force, and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the State.

Penalties for violation.

General powers and duties of officers.

(§ 82.) SEC. 13. In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with the provisions of this act, as the common council may deem expedient and shall prescribe by ordinance or resolution.

(§ 83.) SEC. 14. The mayor, recorder, and members of the common council, clerk, controller, clerk and deputy clerk of the recorder's court are hereby authorized generally to administer oaths and to take affidavits, but neither of said officers shall receive any fees therefor except said clerks. The controller shall have the power to take acknowledgments of deeds under the laws of this State.

Who may administer oaths and take acknowledgments

(§ 84.) SEC. 15. The mayor may issue process and hear, in a summary way, any complaint against any person to whom a license of any description has been granted in pursuance of this act, for any violation of the laws of the State or the ordinances of the corporation, and may issue subpœnas and compel the attendance of witnesses on the hearing of such complaint, in the same manner as justices of the peace in the trial of civil cases, and on such hearing may annul such license, or suspend it for any certain time. Every determination on such complaint shall be forthwith filed with the clerk of the city, who shall serve a certified copy thereof on the person holding a license affected by such determination, either personal or by leaving the same at his or her usual place of abode, and from the time of such service such license shall be annulled or suspended according to the tenor of such determination.

Mayor may issue process against licensees.

May revoke licenses.

(§ 85.) SEC. 16. Whenever, in the opinion of the common council, any building, fence, or other structure of any kind, or any part thereof, is liable to fall down and endanger persons or property, they may order any owner or occupant of the premises on which such building, fence, or other structure stands, to take down the same, or any part thereof, within such time as they may direct. In case the order shall not be complied with, they may cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the expense on the land on which it stood. The order, if not immediate in its terms may be served on any occupant of the premises, or be published in the city paper, as the common coun-

Power of Council as to unsafe buildings, etc.

cil shall direct. The common council shall also have power to prevent the construction and punish the maintainance of any fence on or along any street, or in front of any public place or space, that is composed, in whole or in part, of barbed wire or iron, or so constructed as to be dangerous and liable to injure persons passing in front of the same.

Claims against city.

(§ 86.) SEC. 17. The common council shall audit and allow all accounts chargeable against the city, but no unliquidated account, or claim, or contract shall be received for audit or allowance unless it be accompanied with an affidavit of the person rendering it, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that, to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof, except such as are included or referred to in such account or claim. It shall be a sufficient bar and answer to any action or proceeding in any court for the collection of any demand or claim against said city, that it has never been presented to the common council for audit or allowance, or if on contract, that it was presented without said affidavit and rejected for that reason, or that the action or proceeding was brought before the common council had a reasonable time to investigate and pass upon it.

What sufficient bar to action

Clerk to countersign licenses.

(§ 87.) SEC. 18. The city clerk shall countersign all licenses granted by the mayor or any other officer thereto authorized, and shall enter in proper books full minutes of such licenses, and no license shall be valid unless so countersigned.

CHAPTER VI.

REPORTS OF OFFICERS AND BOARDS.

(§ 88.) SECTION 1. The common council may at any time, by resolution, require from the various officers, boards and commissioners of the corporation, reports and detailed statements of any matter under their control, and it shall be the duty of such officer [officers], boards and commissioners to comply with said resolution; the common council may, by ordinance, determine the date, and from time to time change the same, at which estimates of such officers, boards and commissioners of said corporation for the next fiscal year shall be made. (As amended by Act approved June 2, 1887.)

Reports, estimates, etc., of officers.

CHAPTER VII.

COMMON COUNCIL—HOW CONSTITUTED—POWERS AND DUTIES.

(§ 89.) SECTION 1. The legislative power of the city is vested in a common council, to be composed of the aldermen elected from each ward of the city. The board of councilmen is hereby abolished. The board of aldermen shall hereafter be known as the common council; and the president of the board of aldermen shall be known as the president of the common council, All the powers and duties of said board of councilmen are hereby conferred on the common council, except as is otherwise provided in this act. The words "board of aldermen" shall be taken to mean the common council whenever they occur in the charter. (As amended by Act approved June 2, 1887.)

Of whom council composed, etc.

(§ 90.) SEC. 2. Repealed by Act No. 438. Approved June 2, 1887.

(§ 91.) SEC. 3. Repealed by Act No. 438. Approved June 2, 1887.

(§ 92.) SEC. 4. Repealed by Act Ne. 438. Approved June 2, 1887.

(§ 93.) SEC. 5. Repealed by Act No. 438. Approved June 2, 1887.

(§ 94.) SEC. 6. Repealed by Act No, 438. Approved June 2, 1887.

(§ 95.) SEC. 7. Repealed by Act No. 438. Approved June 2, 1887.

Duties of common council on nominations, appropriation, measures, reports, contracts, etc.

(§ 96.) SEC. 8. All nominations by the mayor shall be made to and be confirmed by the common council. All annual reports from city officers or boards, all contracts and bonds given for the faithful performance of work, and all claims and accounts shall be sent to the common council and shall not go into effect or be of any force until considered and approved by said common council.

Common council, quorum, etc.

(§ 97.) SEC. 9. The aldermen of the city shall constitute the common council thereof, and a majority of all the aldermen elected shall be a quorum for the transaction of business, but a smaller number may adjourn from day to day, and upon a call of the common council by any member thereof, if supported by a majority of the members present, whether a quorum or not, the president shall have power to send any member of the police force of the city to bring the absent aldermen forthwith before said board. The clerk of the city shall be clerk of the common council. (As amended by Act approved June 2, 1887.)

Clerk of

Election of President and President *pro* tempore.

(§ 98.) SEC. 10. The board of aldermen at their regular meeting on the Second Tuesday in January of each year, and after the newly elected aldermen, or a majority thereof, shall have entered into their offices, shall elect by a *viva voce* vote * from their number a president and president *pro tempore*, who shall serve for the period of one year, unless sooner removed by death or otherwise, and shall have the powers and duties prescribed in this act. And the clerk of said city shall call the first meeting of the holding over and newly elected Aldermen to order, and shall preside over the same, and each of their subsequent meetings, until a president of such board of aldermen shall be elected, and no other business shall be transacted by said board until a president thereof shall have been chosen.

City Clerk to be clerk of, to call and preside over first meeting.

*Note No. 4, Appendix.

Sessions of Board of Aldermen.

(§ 99.) SEC. 11. The board of aldermen shall hold one regular session each week, and no more, at such times and places as they shall by ordinance or resolution direct, and may adjourn regular sessions from time to time, as may be deemed expedient. In no case, however shall an adjourned session be deemed for any purpose another regular session. (As amended by Act approved June 2, 1887.)

Special meetings, how called, notice of, etc.

(§ 100.) SEC. 12. Special meetings of the board of aldermen may be called at any time by the mayor, or if one-third of the aldermen elected shall, in writing, request the president of the board of aldermen to call a special meeting, stating therein the time and objects thereof, and if he shall refuse or neglect for twenty-four hours to call such meeting, a copy of such request to the president may be filed with the clerk of the city, with the certificate of an alderman endorsed thereon, showing the presentation thereof to the president, and his refusal or neglect as aforesaid, and thereupon such special meeting shall be held, and the clerk of the city shall cause notice thereof, and of its time and place, to be served on each of the members of the board of aldermen personally, or by leaving the same at their usual place of abode, and the proceedings of said meeting shall be limited to the objects thereof as set forth in such request to the president. Special meetings may be adjourned from time to time, as may be deemed necessary, in order to dispose of the business which they are called to consider. (As amended by Act approved June 2, 1887.)

Ordinances, etc, involving expenditure of money to be submitted by common council to the mayor

(§ 101.) SEC. 13. Every ordinance, resolution or proceeding of the common council imposing taxes or assessments, or originating the expenditure or disposal of money or property, or whereby the corporation, or any board of officers under this act may incur any debt or liability, including ordinances and resolutions for the fixing of salaries and for the payment of debt and liabilities previously and lawfully contracted, shall, except resolutions making appointments to or removal from office, and except ordinances and resolutions for the fix-

ing of the annual estimates and salaries, and for payment of debts and liabilities previously and lawfully contracted, before it takes effect, be presented by the clerk to the mayor; if the mayor approve thereof he shall write thereon his approval, with the date thereof, and sign the same, and thereupon such ordinance, resolution, or proceeding shall go into effect; and such as he shall not so approve and sign he shall return to the common council, with his objections thereto in writing, under cover, sealed and addressed to said board. (As amended by Act approved June 2, 1887.)

Mayor may veto

Mayor's neglect to approve.

(§ 102.) SEC. 14. If the mayor shall neglect to approve as aforesaid, any ordinance, resolution or proceeding, or return the same, as aforesaid, with his objections, at its next regular meeting after the same shall have been presented to him by the clerk, as before provided, the same shall go into effect.

Passing ordinances, etc., over objections of mayor.

(§ 103.) SEC. 15. Upon the return, as aforesaid, of any ordinance, resolution or proceeding, the common council receiving such matter, with the objections of the mayor, shall proceed to reconsider the vote by which the same was passed and adopted; and if, after such reconsideration, two-thirds of all the members elected of the common council shall agree by ayes and noes, which shall be entered of record, to pass or adopt the same, it shall go into effect. (As amended by Act approved June 2, 1887.)

Clerk's certificate of presentation.

Recording certificate.

(§ 104.) SEC. 16. The clerk of the city shall, at the time of presenting any ordinance, resolution or proceeding of the common council to the mayor for his approval or disapproval, make a certificate to be endorsed thereon, or attached thereto, in which he shall specify the day on which the same was so presented; and such certificate shall be recorded with the proceedings of the common council.

Ordinances, etc., where deposited and recorded.

(§ 105.) SEC. 17. All ordinances, resolutions, and written proceedings of the common council shall be deposited in the office of

the clerk of the city, who shall safely keep the same, and they shall be recorded in proper books, to be provided therefor. He shall keep a journal record of the proceedings of the common council, and also a record of every ordinance enacted and the time of its first publication, which record shall be signed by the clerk, and by the president of the common council. (As amended by Act approved June 2, 1887.)

Clerk to keep journal, etc.

(§ 106.) SEC. 18. Such part of the proceedings of the common council as the council may deem advisable and direct, may be published in the official daily newspaper, published in said city, in the English language, or said proceedings, or any part thereof, may be published in such other form as the council may by resolution direct. All ordinances shall be published for three successive days in such official daily newspaper, and shall take effect in ten days after their enactment: *Provided, however*, That the common council may fix and prescribe therein a different period, and that no ordinance shall take effect before one publication thereof:* *And provided further*, That the common council may direct such portion of such proceedings and ordinances, as it may deem proper, to be published in other languages, in a newspaper published in such language in said city, at a price not exceeding the rates paid the official paper, and at an annual expense not exceeding twenty-five hundred dollars for all publications in other languages.

Publication of proceedings of council.

Ordinances, how published and when to take effect.

Publications in foreign languages, and expense thereof.

(§ 107.) SEC. 19. The style of all ordinances shall be: "It is hereby ordained by the People of the City of Detroit." No ordinance shall be revised, altered or amended by reference to its title only, but the section or sections of the ordinance altered or amended, shall be re-enacted and published at length.

Style of ordinances.

(§ 108.) SEC. 20. All meetings of the common council shall be public, and its proceedings and records shall be open to public inspection at reasonable times.

Council meetings to be public.

*See note No. 5, appendix.

Right of petition.

(§ 109.) SEC. 21. The inhabitants of said city shall have the right of petition to the common council.

Power and compensation of board of aldermen.

(§ 110.) SEC. 22. The board of aldermen shall be the judges of the election and qualifications of its own members, and shall have the power to determine contested elections to said board; the compensation of members of the said board shall be six hundred dollars each per annum, payable in monthly installments. Said board shall also have power to determine the rule of its proceedings and to pass and enforce all by-laws and rules necessary and convenient for the transaction of business and not inconsistent with the provisions of this act. (As amended by Act approved June 21, 1887.)

Power of common council over all property of corporation.

(§ 111.) SEC. 23. The common council shall have the general management and control of the finances, and all the property, real, personal and mixed belonging to the corporation, whether lying within or beyond the limits of said city, with full power to lease, sell, convey, transfer, and dispose of the same absolutely, and shall have power to make all necessary regulations for preserving and protecting the same from destruction, decay, or injury, and concerning the management thereof.

Resolution, with expenditure, etc., not to pass same session at which it is introduced, etc.

(§ 112.) SEC. 24. No resolution, ordinance or proceeding of the common council, imposing taxes or assessments, or requiring the payment, expenditure, or disposal of money or property, or creating a debt or a liability therefor, and no other ordinance shall be passed at the same meeting at which it was introduced, unless by unanimous consent, or at a special meeting called therefor, and every such ordinance, resolution or proceeding shall be passed by ayes and nays, to be entered on the record; and, upon the demand of one-fourth of the members present, the ayes and nays shall be taken on any question and entered upon the record.

Exception.

Ayes and Nays.

Voting.

(§ 113.) SEC. 25. No alderman shall vote on any question in which he is interested; on all other questions every alderman present shall vote, and in all cases of tie-vote the question shall be lost. (As amended by Act approved June 2, 1887.)

Appointments and removals by majority vote

(§ 114.) SEC. 26. All appointments to office, by the board of aldermen, shall be made by a majority vote of all the aldermen elected, and removals from office shall be made by a majority vote of all the members of the common council elected, except in cases where, by this act, a different vote may be required.

President to appoint committees.

(§ 115.) SEC. 27. The president of the board of aldermen shall appoint such committees as the board may deem necessary. The duties of standing committees shall be prescribed by general ordinance.

Powers of chairman and boards to administer oaths, etc.

(§ 116.) SEC. 28. The chairman of any committee, and the members of any board established by or under this act, may administer oaths and take affidavits in respect to any matter pending before such committee or board; such committees or board shall have power to subpœna witnesses, to compel their attendance, and the production of necessary papers in all examinations pending before them, and to that end the common council may prescribe and regulate the necessary proceedings, and confer upon the police force of said city, or any officer of the corporation, all needful powers for the purposes aforesaid. The common council shall have power to provide by ordinance for the enforcing of the provisions of this section, and to prescribe the penalty for a violation of any of the provisions thereof.

Powers of common council

(§ 117.) SEC. 29. The common council, in addition to its other powers under this act, and subject to and consistently with its provisions, shall have power within the limits of jurisdiction of the corporation, as are specified in the following sections.

To regulate election and appointment of officers and fix their salaries.

(§ 118.) SEC. 30. The common council shall have power to provide for and regulate the election and appointment of all officers, and for their removal from office, and for the filling of vacancies subject to the provisions of law; and may authorize and regulate the demand and receipt, by officers, of such fees and costs, and in such cases as the council may deem reasonable. It may also fix and regulate the compensation of all officers elected or appointed under or by virtue of any act relating to said city, except as may be otherwise provided; but the compensation of no officer, fixed by an annual or periodical salary, shall be diminished during the term for which he was elected or appointed; nor shall the salary of any officer be increased during his term of office, unless by a two-thirds vote of said council.

Detroit river.

(§ 119.) SEC. 31. The common council shall have power to provide for and preserve the purity and salubrity of the waters of the Detroit river; to prohibit and prevent the depositing therein of all filthy and other matter tending to render said water impure, unwholesome or offensive; to preserve and regulate the navigation of the said river within the limits of the said city; to prohibit and prevent the depositing of or keeping therein any structure, earth or substance tending to obstruct or impair the navigation thereof; to remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, anchoring and mooring of vessels, and the laying out of cargoes and ballast for the same. It may also license,

Control ferries.

continue and regulate as many ferries from within said city to Belle Isle and the opposite shore of the Detroit river, for the carrying and transporting of persons and property upon and across said river, in such manner as shall seem most conducive to the public good: *Provided, however*, That nothing in this act contained shall be construed

To maintain a bridge.

to prevent the construction and maintenance of a bridge across the Detroit river. It shall be the duty of the board of metropolitan police commissioners to detail an officer or member of the metropolitan

police force of said city, who shall act as, and whose official designation shall be, harbor master. The harbor master shall have full police powers over the waters of the Detroit river within said city, and shall enforce the ordinances of the city in regard thereto. He shall have power to control and regulate the anchoring of vessels and boats in said river, and the use of the docks and wharves along the same; and it shall be the duty of every captain, master, owner, or other person in charge of any such vessel or boat to comply with the ordinances of the city, and to obey the instructions and directions of said harbor master; and in case of any neglect or refusal so to do, it shall be the duty of the harbor master to move said boat or vessel, and for that purpose he may employ men and tugs, and may enter upon and take and retain possession of said boat or vessel until the reasonable expenses so incurred by him have been paid by the master or other person having charge of said boat or vessel; and the police force of said city shall render him such assistance as may be necessary to enforce the city charter and ordinances. Any captain, master, owner, or other person in charge of any vessel, who shall neglect or refuse to comply with the instructions and directions of the harbor master, in the performance of his duties, shall be deemed guilty of a misdemeanor.

Harbor Master may move vessels.

(§ 120.) SEC. 32. The said council may erect, and repair and regulate public wharves and docks at the end of streets, and on the property of the corporation. It shall have power to regulate the erection and repair of private wharves and docks, so that they shall not extend into the Detroit river beyond a certain line, to be established by the common council, and to prohibit the encumbering of all public wharves and docks with boxes, carriages, carts, drays, sleighs, sleds, or other vehicle or thing whatever. The common council may also lease the wharfs and wharfing privileges at the end of streets on the Detroit river in said city, upon such terms and conditions, and under

Wharves and docks

such covenants, and with such remedies in case of non-performance as the common council may direct, but no buildings shall be erected thereon. No lease thereof shall be executed for a longer period than three years: *Provided*, That a free passage at all times for all persons with their baggage over said public wharves shall be reserved.

Lease.

Council to make, grade, adorn, etc., public grounds.

(§ 121.) SEC. 33. The common council shall have power to make, grade, improve and adorn the public squares, spaces, grounds and parks belonging to or under the control of the corporation, and to control and regulate the same consistently with the purposes and objects thereof. It shall have power to establish, open, widen, extend, straighten, alter, vacate and abolish highways, streets, avenues, lanes, alleys and public grounds or spaces within said city;* and to grade, pave, repair and otherwise improve the highways, streets, avenues, lanes, alleys or interior public spaces created by the intersection of streets, crosswalks and sidewalks in said city with stones, wood, brick or other material; and the common council shall have full power and authority to provide for the paying the costs and expenses thereof, by assessment in such manner as shall be prescribed by law, which assessment shall be a lien, until paid, on the lot, lots or premises on which the same are bounded, and shall be collected in such manner as shall be authorized by law: *Provided*, That the costs and expenses of all repaving and repairing of streets, avenues and highways within the city shall be paid by the city out of the repairing fund created and raised for such purpose. The said common council may also provide for working and improving all highways, streets, avenues, lanes, alleys and public spaces within said city, and may assess and levy upon the taxable property within said city, and expend such highway taxes therefor as may be necessary, and may elect whether the same shall be collected in money or labor in such amount as the common council shall prescribe for each ward respectively: *Provided*, Such highway

Proviso as to re-paving, etc.

*See Note 6 Appendix.

taxes shall not in amount exceed the rates now fixed by law, and the same shall be assessed, levied and collected as other taxes. (As amended by Act approved June 24, 1887.) Proviso as to amount of tax.

(§ 122.) SEC. 34. Said council shall also have power to provide for cleaning the highways, streets, avenues, lanes, alleys, public grounds and squares, crosswalks and sidewalks in said city, of dirt, mud, filth and other substances, and for selling or otherwise disposing of the same, and of all earth to be removed therefrom, or from the public squares and grounds of said city, in grading, paving or otherwise improving the same. It shall further have power to prohibit and prevent incumbering or obstructing streets, lanes, alleys, crosswalks, sidewalks and all public grounds and spaces with vehicles, animals, boxes, signs, barrels, posts, buildings, dirt, stones, brick and all other materials or things whatsoever, of every kind and nature, and to remove the same therefrom; to prevent the exhibitions of signs on canvass or otherwise in or upon any vehicle standing or traveling upon the streets and public grounds of said city; to control, prescribe and regulate the mode of constructing and suspending awnings, and the exhibition and suspension of signs therein; to compel, within such limits or along such streets in said city as the common council shall prescribe, all owners or occupants of lots, blocks or parcels of land within said limits or along said streets to clear the sidewalks in front of and adjacent thereto of snow, ice, dirt, mud, boxes and every incumbrance or obstruction thereon, and in case of land owned by non-residents, and of land belonging to churches, corporations, charitable and other like associations, and of lands in the hands or control of executors, administrators, guardians, assignees, trustees or agents, and in all other cases where such snow, ice, dirt, mud, boxes, incumbrance or obstruction, is or are not removed within the time required and prescribed by ordinance, the common council shall have full power to cause the removal of the same, and cause the

Cleaning streets, etc.

Disposal of garbage, etc.

To prohibit encumbering streets, etc.

Signs.

Awnings.

To compel clearing walks of snow, etc.

expense of such removal to be assessed, levied and collected from the abutting property, in the same manner as assessments are made, levied and collected for the repair and construction of sidewalks, and any assessment so made shall become a lien upon the property assessed at the time when the same is due and payable; also to control, prescribe and regulate the manner in which the highways, streets, avennes, lanes, alleys, and public grounds and spaces within said city shall be used and enjoyed; also to provide for sprinkling the streets and public places in said city, or any portion thereof, not less than one block, upon a petition of a majority of the persons owning the lots and parcels of land abutting the same, and to assess and collect the expense of such sprinkling upon and from such lots and parcels of land, in the same manner as assessments are made and collected for paving streets in said city; also to establish fire limits in said city, and from time to time to enlarge the same, and to prohibit and prevent the location and establishment of any yard for the sale or storage of lumber; also to prohibit and prevent the location or construction of any wooden frame house, store, shop or other building on such streets, alleys or places, or within such limits in said city as the common council may from time to time prescribe: to prohibit and prevent the removing of wooden and frame buildings from any part of said city to any lots on such street, alleys and places within said limits, and the rebuilding and repairing of the same; and to direct and regulate the planting, and provide for the preservation of ornamental trees on said highways, or said avenues, streets and public places; to provide for and regulate the lighting of said avenues, streets and public places, and the erection of lamps and lamp posts therein; to prohibit and prevent racing or fast and dangerous driving and riding therein; to prohibit and prevent the circulating, distributing and giving away of circulars, handbills or advertising cards of any description in or upon any of the avenues, streets, alleys or public

Assessments to be liens.

Use of streets, etc.

Sprinkling streets, etc.

Fire limits.

Construction of wooden buildings.

Trees.

Lighting streets, etc.

Racing.

Circulars, handbills, etc.

places in said city in a manner having a tendency to frighten horses, and also to prohibit and prevent the flying of kites, and all practices, amusements and doings in said city having a tendency to frighten teams and horses, or dangerous to life or property; to remove or cause to be removed all walls and other structures that may be liable to fall therein, or otherwise so as to endanger life or property; to compel and regulate the inspection of all steam boilers used in said city for operating machinery, or for heating purposes, and to requlre and compel all engineers and persons in charge of, operating or using steam boilers for any of the purposes above named, to be licensed, and to give security for faithful performance of duty in such sum as the said common council shall prescribe; to compel persons to fasten or secure their horses, oxen or other animals attached to vehicles, or otherwise, while standing or remaining in the streets, lanes or alleys of said city; to prevent persons from driving vehicles, or otherwise, upon or across the sidewalks thereof; and said council shall also have power to license and regulate, by ordinance, the keeping and maintenance of intelligence offices, and to require the person in charge of and conducting such offices to furnish a good and satisfactory bond for the due observance of the charter and ordinances of said city. (As amended by Act approved June 29, 1889.)

Flying kites, etc.

Removal of dangerous structures.

Inspection of boilers.

Fastening horses, etc.

Driving on sidewalks, etc.

(§ 123.) SEC. 35. The council may regulate the ringing of bells and the blowing of steam whistles; and may provide for the prohibition and prevention of any riot, rout, disorderly noise, disturbance, or assemblage, or the crying of any goods in the streets or elsewhere in said city, or the exhibition of fireworks and firing of cannon, or any fireworks dangerous to life or property, within the limits of said corporation. It may also prohibit and prevent in the streets or elsewhere in said city indecent exposure of the person, the show, sale or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings, and books and pamphlets, and all indecent or obscene ex-

Ringing of bells, blowing of whistles, disorderly conduct.

Firearms.

Indecent exposure of person

Obscene pictures, books, etc

Peace and good order.

hibitions and shows of every kind, and may provide for the general peace, order and good government of said city.

Order on docks, etc.

Arrival and departure of cars, etc.

(§ 124.) SEC. 36. The common council shall have power to preserve quiet and order on the docks and in the streets of said city, at the arrival and departure of railroad cars, steamboats, and other vessels, and prescribe and regulate the manner and place in which drivers, porters, runners, solicitors, agents, and baggage collectors for hotels or public houses, or express companies, draymen, cabmen, cartmen, hackmen, omnibus drivers, and solicitors for passengers, or for baggage, with their drays, carts, cabs, carriages, sleighs, or other vehicles shall stand, and to prohibit or prevent them from entering or driving within any railroad depot, or upon any wharf or dock, or entering upon any steamboat or other vessel, to solicit passengers or luggage. It may also prescribe places or stands in the streets of said city within which drays, carts, cabs, hacks, coaches, carriages, sleighs, sleds and other vehicles may stand and be kept for hire, and within which loads of wood, coal, hay and other articles may be kept for sale, and to regulate such stands and places.

Regulate drivers, hackmen, etc.

Sale of wood and coal.

Regulate driving or running at large of cattle, etc.; and impound same.

(§ 125.) SEC. 37. The common council shall have power to prohibit and prevent, or regulate the leading and driving, or running at large, of cattle, horses, asses, mules, swine, sheep, goats, geese, and domestic fowls, in the streets or elsewhere in said city, and to impound the same when running at large, in one or more sufficient pounds, to be provided and maintained by the city, and to sell the same to pay the cost of proceedings, and any penalty thereby incurred, rendering the surplus, if any, to the owner. It may also prohibit and prevent, or regulate the keeping and harboring of fierce and vicious dogs, and prevent or regulate the running at large of dogs, or require them to be muzzled, and may authorize their destruction.

Dogs.

Construct, maintain, close, etc., drains or sewers.

(§ 126.) SEC. 38. The common council may establish, construct, maintain, repair, enlarge and discontinue within the highways, streets, avenues, lanes, alleys, and public places of said city, such bridges, culverts, sewers, drains and lateral sewers and drains, as the common council may see fit, with a view to the proper sewerage and drainage of said city, and may compel the owners of all occupied lots, premises, and subdivisions thereof, within said city, to construct private drains or sewers therefrom, to connect with some public sewer or drain; said private drains and sewers shall be constructed in such manner, and of such form and dimensions, and under such regulations as the common council shall prescribe.

Ascertain boundaries of highways.

Number buildings.

Obstructions.

(§ 127.) SEC. 39. The common council shall have power to survey, ascertain and establish the boundaries of all highways, streets, avenues, lanes, alleys, public parks, squares and spaces in said city, and to provide for and enforce the numbering of the buildings thereon; to prohibit and remove all encroachments upon and obstructions in the same, by buildings, fences, or in any other manner.

Drainage of low lands, etc

(§ 128.) SEC. 40. The said council may provide for the draining of any swamp, marsh, wet or low lands in said city, or within the distance of three miles therefrom, by the opening of ditches; but a jury of not less than twelve disinterested freeholders of the County of Wayne, before any proposed ditch can be opened, shall ascertain that the opening thereof is necessary or proper; also, whether the benefits which will accrue to the owner or owners of any lands, from the opening of the ditch, will or will not be equal to any damages he or they will sustain thereby. If such benefits are exceeded by the damages, they shall ascertain and certify the damages to which the owner or owners will be entitled, after deducting therefrom the amount of benefits their lands will receive from the opening of the proposed ditch. On payment or tender of the damages thus ascertained and certified, the common council shall have power to enter upon any land

through which the proposed ditch will run, with the necessary agents, teams and implements, to cut and open said ditch; to protect, clean and scour it from time to time, so as to preserve its original dimensions, and to prohibit and prevent all obstructions thereof or injury thereto. In empaneling said jury, the right of challenge shall be preserved as in ordinary civil cases. No more than two peremptory challenges shall be allowed to the city, and a like number to the person or to the parties collectively, whose lands are to be affected by the proceeding. The challenge to the array shall be in writing, and shall distinctly state the reasons therefor.

Power to purchase and sell real estate and mortgage same.

(§ 129.) SEC. 41. The common council shall have power to purchase real estate for the use of said corporation, for corporate purposes, and to execute mortgages of the same, for any balance which may remain unpaid on the purchase money paid for such real estate. They shall also have power to purchase and control land for cemetery purposes, either within or without the corporate limits of said city; erect or provide for the erection of all needful buildings and offices for the use of the corporation or of its officers, and to control and regulate the same; to establish, organize, and maintain an alms-house and a hospital; to purchase the necessary grounds, and erect and provide for erecting the necessary buildings therefor, either within or without the city limits, and to use, control and regulate the same as fully as though located within such limits; and for such purchase of hospital grounds, and for the erection of hospital buildings, the said common council shall have power to expend and appropriate out of the contingent fund of said city, a sum not exceeding fifteen thousand dollars; to establish and build jails, workhouses and houses of correction for the confinement of offenders; to erect and provide for erecting the necessary buildings therefor, and control and regulate the same; to appoint all necessary officers for taking charge of the same, and of persons confined therein; to prescribe their

Cemetery.

Establish Alms Houses, etc.

Power to appropriate $15,000 from Contingent Fund for Hospital.

House of Correction.

powers and duties, and provide for their removal from office and the filling of vacancies; to erect and maintain market houses; establish markets and market places; to lease market stalls, booths and stands; to provide fully for the good government and regulations thereof, and to prohibit, prevent and punish forestalling and regrating.

Market houses

Lease Market stalls, etc.

(§ 130.) SEC. 42. The council shall have power to provide for the preservation of the general health of the inhabitants of said city; to make regulations to secure the same; to prevent the introduction or spreading of contagious or infectious diseases; to prevent and suppress disease generally, and, if deemed necessary, to establish a board of health, and prescribe and regulate its powers and duties; to prohibit, prevent, abate and remove all nuisances in said city, or within the distance therefrom of half a mile, and to punish the authors or maintainers thereof, and authorize and direct the speedy or immediate abatement or removal of nuisances by some officer of said city. If, in order to abate or remove any nuisance, the common council shall deem it necessary to fill up, level, or drain any lot or premises, they shall have power so to do; to assess the costs and expenses of such filling, leveling or draining, and impose the same as an assessment or tax on said lot or premises, which shall be a lien thereon till paid, and shall be collected in the same manner as other taxes and assessments levied and imposed by authority of the common council; it shall also have power and authority to compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap, candle, starch or glue factory, tannery, butcher's shop or stall, slaughter-house, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse or abate the same whenever necessary for the health, comfort or convenience of the inhabitants of said city; to prohibit and prevent any person from burying, depositing or leaving within the limits of said city, or within one mile distant therefrom, or keeping, or having on the premises owned or occupied by him in said city, any

Public health.

Contagious, etc., diseases.

Removing nuisances.

Dead carcasses and putrid matter.

dead carcass, putrid or unsound beef, pork, fish, hides and skins, and any article, substance or thing that is unwholesome or nauseous, and to compel and authorize the removal thereof by some officer of said city, or to compel any person so bringing, depositing or leaving within the limits of said city, or within one mile distant therefrom, or keeping or having on the premises owned or occupied by him in said city, any dead carcass, putrid or unsound beef, pork, fish, hides and skins, and any article, substance or thing that is unwholesome or nauseous, and to compel and authorize the removal thereof by some officer of said city, or to compel any person so bringing, depositing or leaving the same within the limits of said city, or one mile distant therefrom, or having or keeping the same on the premises owned or occupied by him in said city, to remove the same. The common council is also empowered to enact and provide by appropriate ordi-

Garbage, removal of, etc.

nance for the manner of collecting, transporting, conveying and handling of garbage and all animal and vegetable matter and refuse in said city. Also to prohibit the feeding of the same to animals within said city; and to require all persons in said city to dispose of the same in the manner provided by said common council in said ordinance for the removal and destruction thereof, and to impose and enforce appropriate penalties for any violation of said ordinance. (As amended by Act approved June 17, 1889.)

Cellars, slips, sinks and privies.

(§ 131.) SEC. 43. The said council may direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or cause the same to be done by some officer of the corporation and assess the expenses thereof on the lot or premises having such cellar, slips, barn, private drain, sink or privy thereon, which assessment shall be a lien on such lot or premises, and be collected in the same manner as other assessments imposed by authority of the common council. It may also direct and regulate the construc-

tion of lateral sewers or drains, for the purpose of more effectually draining all lots, or cellars, yards and sinks within the limits of said city, whenever, in their opinion, the same shall be necessary. Such lateral sewers or drains shall be laid or constructed through any of the streets or alleys adjoining, or in front of the premises through which sewers or drains shall be ordered constructed, and assess the expenses thereof on such lots or premises benefited thereby, which assessment shall be a lien on such lots or premises until paid, and be collected in the same manner as other assessments imposed by authority of the council.

Lateral sewers.

Assessments therefor.

(§ 132.) SEC. 44. The common council may regulate the keeping and conveyance, in said city, of powder and other combustible or dangerous articles, and the use and kind of lights or lamps to be used in barns, stables, and all buildings and establishments usually regarded as extra hazardous in respect to fire; and shall have power to prohibit and prevent, within certain limits in said city, to be determined by the common council, the location or construction of buildings for the storing of powder, powder factories, tanneries, distilleries, buildings for the manufacture or storing of turpentine, camphene and dangerous or easily inflammable or explosive substances, slaughter-houses and yards, butchering shops, soap, candle, starch and glue factories, establishments for steaming or rendering lard, tallow, offal, and such other substances as can be rendered into tallow, lard or oil, and all establisments where any nauseous, offensive or unwholesome business may be carried on. And such buildings, factories, shops and establishments as aforesaid, now or hereafter to be constructed in said city, whether within or without the limits, to be determined as aforesaid, together with blacksmith shops, founderies, cooper shops, steam boiler factories, carpenter shops, planing establishments, breweries, and all buildings and establishments usually regarded as extra hazardous in respect to fire, shall be subject to such regulations in relation

Keeping powder.

Location of Buildings to be used for business deemed hazardous to life or health.

Safeguards against fire.

to their construction and management as the common council may make, with a view to the protection of any property from injury by fire, or to the health and safety of the inhabitants of the city, and to prevent their becoming in any way a nuisance.

Wooden buildings, construction, repairing, etc.

(§ 133.) SEC. 45. The common council is authorized to prevent the building or repairing of wooden buildings on said streets, alleys and places, or within said limits, when damaged by fire and otherwise; to regulate the construction of stone or brick buildings, of partition fences, and of partition or parapet walls, the thickness of walls; to regulate the construction of chimneys, hearths, fire-places, fire-arches, ovens, and the putting up of stoves, stove-pipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys and chimney flues, to compel and regulate the cleaning thereof, and to fix the fees thereof; to compel and regulate the construction of ash houses, or deposits for ashes; to compel the owners of houses and other buildings to have scuttles upon the roofs thereof, and stairs or ladders leading to the sames; to appoint one or more officers to enter into all buildings and enclosures to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition; to authorize any of the officers of the city to keep away from the vicinity of a fire all idle or suspicious persons, and to compel all officers of the city, and other persons, to aid in the extinguishment of fires, and in the preservation of property exposed to danger therefrom.

Partition fences.

Chimneys, boilers, etc.

Ashes.

Safeguards against fire.

Bathing or swimming in river.

(§ 134.) SEC. 46. The common council is hereby empowered to prohibit and prevent, or regulate bathing and swimming in any of the waters in and adjoining said city, determine the times and places thereof, and prohibit and prevent any obscene or indecent exhibition, exposure or conduct thereat; and may also license and regulate pub-

Indecent exposure.

lic bath-houses or bath-rooms on land, and any public floating bath-house, or bath-rooms, or vessels on the Detroit river. License bath-houses.

(§ 135.) SEC. 47. The common council may prohibit, prevent and suppress the keeping and leasing of houses of ill-fame, or assignation, or for the resort of common prostitutes, disorderly houses, and disorderly groceries. It may restrain, suppress and punish the keepers thereof, and the owners and lessors of such premises; it may punish, restrain and prevent common prostitutes, vagrants, mendicants, street beggars, drunken or disorderly persons. The common council may also prohibit, prevent and suppress mock auctions of every kind of fraudulent device or practice, and punish all persons, managing, using, practicing, or attempting to manage, use or practice the same; and all persons aiding in the management, use or practice thereof. Houses of ill-fame. Vagrants. Mock auctions and other fraudulent devices and games.

(§ 136.) SEC. 48. The said council shall have power to prohibit, prevent and suppress the sale of every kind of unsound, nauseous and unwholesome, meat, poultry, fish; vegetables, or other articles of food and provisions, and impure or spurious wines and spurious liquors, and to punish all persons who shall knowingly sell the same, or offer to keep the same for sale; to prohibit and prevent persons from selling or giving away ardent spirits, or other intoxicating liquors, to any child, apprentice or servant without the consent of his or her parent, guardian, master or mistress; to license and regulate the selling or giving away of any ardent spirits or any other intoxicating liquors by any shop-keeper, trader, grocer, inn, hotel or tavern-keeper, keeper of any ordinary saloon, recess, victualing or other house, or by any other person, in case the selling or giving away of ardent spirits or other intoxicating liquors, and licensing the sale thereof, shall hereafter be authorized by the law of the State. Unsound fish, meat and other diet. Intoxicating liquors.

(§ 137.) SEC. 49. The common council shall have power to prohibit, restrain and prevent persons from gaming with cards, dice, Gaming.

billiards, nine or ten pin alleys; wheels of fortune, boxes, machines or other instruments or devices whatsoever, in any grocery, store, shop or any other place in said city; to punish the persons keeping the building, instruments or means for such gaming, and compel the destruction of the same. It may license and regulate keepers of billiard tables, pin alleys, nine or ten pin alleys, but not for the purpose of gaming. It may also prohibit, prevent and suppress all lotteries for the drawing and disposing of money, or any other property whatsoever, and punish all persons maintaining, directing or managing the same, or aiding in the maintenance, direction or management thereof. The council shall also have power to regulate or prohibit, prevent and suppress pool selling, or the keeping of pool-rooms or places, or the keeping of houses, rooms or places resorted to for the purpose of betting on base ball games, horse races, or any other betting whatever.

Lotteries.

Pools.

Public houses, taverns, etc.

(§ 138.) SEC. 50. The common council shall have power to license and regulate the keepers of hotels, taverns and other public houses, grocers, and keepers of ordinaries, saloons, victualing or other houses or places for furnishing meals, food or drink; also solicitors of passengers or for baggage for the benefit of any hotel, tavern, public house, boat or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and vehicles of every other description used and employed for hire, and to fix and regulate the amounts and rates of compensation.

Hotel runners, hackmen, etc.

Auctioneers, peddlers, etc.

(§ 139.) SEC. 51. The said council may also license and regulate auctioneers, hawkers, peddlers, newsboys, shoeblacks, bootblacks, pawnbrokers, the keepers of junk shops, second-hand stores, and places for the buying or selling of second-hand goods; and regulate auctions, hawking, peddling, pawnbrokerage and the buying or selling of old junk or second-hand goods or materials; also the peddling

or hawking of fruits, nuts, cakes or refreshments, jewelry, merchandise, goods and other property whatsoever, by hand, hand-cart, show-case, show-stand or otherwise in the public streets or places; also butchers and the keepers of shops, stalls, booths or stands at markets or at any other place in said city, for the sale of any kind of meat, fish, poultry, vegetables, food or provisions. It shall also have power to license and regulate dance halls and other halls or buildings used for public assemblages; and to license and regulate or suppress hucksters, and prohibit and prevent, or license and regulate, the public exhibition of itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions [of] or common showmen, and shows of any kind. (As amended by Act approved June 29, 1889.)

Stalls and booths.

Dance halls, etc.

Hucksters.

Shows.

(§ 140.) SEC. 52. The common council shall have power to appoint one or more inspectors, measurers, weighers and gaugers of articles to be measured, inspected, weighed and gauged; and to prescribe and regulate their powers and duties, fees and compensation; to direct and regulate the weight and quantity of bread, the size of the loaf, and the inspecting thereof; the inspecting and measuring of wood, lumber, shingles, timber, posts, stones, heading, and all building materials; the inspecting, measuring and weighing of coke, and all kinds of coal; the inspecting and weighing of hay; the inspecting of vegetables, fresh, dried, smoked, salted, pickled and other meat, or fish, poultry, butter, lard, and other food or provisions to be sold at wholesale or retail; the inspecting and weighing of flour, meal, pork, beef, and all other food or provisions, and salt, to be sold in half barrels, barrels, casks, hogsheads, boxes, or other packages; and the inspecting and gauging of oils, wines, whiskey, malt and spirituous liquors to be sold at wholesale or retail, or in kegs, half barrels, barrels, casks, hogsheads or other vessels: *Provided*, That nothing herein contained shall be construed to authorize the inspecting,

Inspectors and gaugers.

Proviso.

measuring, weighing, or gauging of any article herein enumerated, which is to be shipped beyond the limits of this state, except at the request of the owner thereof, or of the agent having charge of the same: *And provided further*, That the common council shall not have power to require the measuring of wood, except at the request of the seller or purchaser thereof, or the agent of either of them. The said council is also authorized to regulate the weights and measures to be used in said city, and compel every merchant retailer, trader and dealer in merchandise, groceries, provisions, or property of any description which is sold by measure or weight, to use weights and measures to be sealed by the city sealer, and to be subject to his inspection and alteration, so as to be made conformable to the standard of weights and measures established by the general laws of the state: *Provided*, That this section shall not be construed as interfering with or in any way affecting the powers and duties of any city sealer appointed under or by virtue of any other act relating to said city.

Proviso.

Weights and measures.

Proviso.

Paupers.

(§ 141.) SEC. 53. The common council may provide for the protection and care of paupers, and may prohibit and prevent all persons from bringing, in vessels or in any other mode, to said city, from any other port or place, any pauper or other person liable to become a charge upon said city, and to punish therefor. It may also provide for the burial of strangers and poor deceased persons; and regulate the burial of the dead, and the registration of births and deaths, and to order and compel the ordering and keeping and returning of bills of mortality by physicians, sextons and others. In case of the death of any person in the city, every physician or person acting as such, who had charge of, or who was in attendance upon such person at the time of death, shall forthwith file in the office of the board of health a certificate, stating to the best of his knowledge, information and belief, the name, age, sex, nativity, occupation or profession, date and manner of death, and name of disease; and in order to carry out

Burial of strangers.

Registration of births and deaths.

this provision it is authorized to enforce the same by its ordinances, and to punish any violation thereof.

(§ 142.) SEC 54. The common council shall have power to provide for the imprisonment and confinement in houses of correction, at hard labor or otherwise, of all persons liable to be imprisoned or confined under this act, or any act relating to said city, or any ordinance of the common council. All expenses attending the confinement of any person sentenced to be committed to any work-house or house of correction of said city, for any offense against the general laws of this state, now or hereafter punishable by imprisonment in the state prison, shall be paid by the state treasurer quarter-yearly, on the certificate of the city controller that such expenses have been incurred. All expenses attending the confinement of any person sentenced to be committed to any work-house or house of correction of said city, for any offense against the general laws of the state, now or hereafter not punishable by imprisonment in the state prison, shall be paid quarter-yearly by the treasurer of the county in which the offender was tried and convicted, upon the certificate of the city controller that such expenses have been incurred. Said council shall also have power, except as herein otherwise specified, to provide for the punishment of all persons offending against this act, or any law relating to said city, or any ordinance of the common council enacted under this or any other act of the legislature, by imposing fines, penalties, forfeitures and costs, and by imprisonment in the house of correction of said city; any person convicted of any offense may also be required to give bail for good behavior. If only a fine, penalty, forfeiture or costs be imposed, the offender may be sentenced to imprisonment until payment thereof, for a term not exceeding six months. All punishments for offenses against the ordinances of the common council shall be prescribed in the ordinance creating or specifying the offenses to be punished; and no penalty or forfeiture shall exceed one thousand dollars;

Imprisonment for violation of ordinances.

How expense of imprisonment paid and by whom.

Holding to bail.

Maximum of imprisonment and fine.

no fine shall exceed five hundred dollars; and no imprisonment shall exceed the period of two years.

Mayor to grant, issue and revoke licenses.

(§ 143.) SEC. 55. The council may authorize the mayor to grant, issue and revoke licenses in all cases where licenses may be granted and issued under this act and the ordinances of the common council; to direct the manner of issuing and registering the same; to prescribe the sum of money to be paid therefor into the treasury of the corporation. No license shall be granted for more than one year, and the person receiving the same shall, before the issuing thereof, execute a bond to the corporation in such sum as the common council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the common council, and otherwise conditioned as the common council may prescribe. The mayor shall inquire into the efficiency of the sureties in such bond,, and the same when approved by him shall be filed in the office of the clerk of the city.

License regulations, fees, etc.

Evidence of title perpetuated.

(§ 144.) SEC. 56. The common council may adopt, by ordinance or otherwise, such measures as may be deemed expedient to perpetuate the evidence to the titles to real estate in said city, by the preservation of maps, plats, records and papers relating thereto, and by duly certified copies of such maps, plats, records and papers, and which, certified and filed as such ordinances shall prescribe, shall be received in evidence in all courts.

Construction, repair, etc., of sidewalks by individuals.

(§ 145.) SEC. 57. The common council shall have power to provide and ordain by ordinance that, whenever any sidewalk requires to be built or repaired, the board of public works shall notify the owner, agent or occupant of any lot or parcel of land in front of or adjacent to which such walk is required to be built or repaired, to build or repair the same, and that if such agent, owner or occupant shall neglect, for a time to be specified in the ordinance, to do such

In case of neglect of owner, etc.

building or repairing, it shall be the duty of the said board to at once do or cause the same to be done, and in such case the expense thereof shall be assessed upon such lot or parcel of land, and shall be a lien thereon until collected and paid in a manner to be prescribed in such ordinance; and the owner so neglecting to build or repair shall be liable to the city for all damages which shall be recovered against the city for any accident or injuries occurring by reason of such neglect, and also to prosecution in the recorder's court, and, on conviction, to be fined not to exceed five hundred dollars and the penalties in the city charter elsewhere provided. The common council shall also have power, by ordinance, to designate and determine the materials of which all sidewalks in the city shall be constructed, and to regulate their width and manner of construction. To effect the purpose of this section and secure the prompt construction or repair of sidewalks when ordered, and in anticipation of the collection of the expense thereof, to be assessed and collected as aforesaid, the common council shall have power to cause such expense to be paid in any case by warrant of the controller upon the contingent fund. All assessments in such cases paid after the expense of such construction or repair has been met, as above provided, by the city, shall be paid and credited to the contingent fund of the city. (As amended by Act approved June 25, 1887.)

Owner liable for damage.

Material for sidewalks.

Payment for, etc.

(§ 146.) SEC. 58. The common council may also provide and ordain by ordinance, that whenever it shall appear that any taxes or assessments have been illegally or collected, the common council may, by a vote of two-thirds of all members elected, direct and cause the amount so collected to be refunded out of the contingent fund, or in case it has not been collected, to vacate the assessment, and fix upon an amount, to be received in full of such tax or assessment, and no such action on the part of the council, under such ordinance, shall

Illegal taxes or assessments.

in any way affect or invalidate any other tax or assessment assessed, levied or collected in said city.

Fees of jurors and witnesses

(§ 147.) SEC. 59. Said council shall also have power to fix and regulate the fees of jurors and witnesses, in any proceeding under any act relating to said city, or under any ordinance of the said council, to assess, levy and collect taxes for the purposes of the corporation, upon all property made taxable by the law for State purposes, which taxes shall be liens upon the property taxed till paid; to make regulations for assessing, levying and collecting the same, and to sell the property taxed to pay the taxes thereon; to appropriate money; provide for the payment of the debt and expenses of the said city, and to make regulations concerning the same; to provide for calling meetings of the inhabitants of said city by public notice thereof, fixing the time and place for meeting; to enact all ordinances necessary to carry into effect the powers conferred by law upon said council; the said council may also provide for printing and publishing all matter required to be printed and published under this act, or by order of the common council, in such manner as said council may prescribe.

Assessing and collecting taxes.

Public meetings.

Enact ordinances.

Printing, etc.

Re-assessment to supply deficiency.

(§ 148.) SEC. 60. The said common council shall also have power to provide, by ordinance, that whenever any lots or premises have been or hereafter shall be legally, liable to be assessed for the costs and expenses of any paving, or other public work or improvement, and if it should appear that the amount originally assessed upon such lots or premises was not sufficient to pay in full the costs and expenses of such improvement, that a new re-assessment for the amount of such deficiency may be made upon such lots or premises; and also if any such special assessment for the costs and expenses of the making of any such improvement shall be declared by any court of competent jurisdiction to be illegal, to provide for a new or reassessment upon such lots or premises for the amount of such costs

Illegality of assessment.

Time for re-assessment.

and expenses; and the common council may, by ordinance, limit the time within which such new or re-assessment shall be made, and prescribe all necessary rules and regulations in reference to the making and collecting of the same.

(§ 149.) SEC. 61. Whenever any special assessment for the improvement of a street, or for any public work shall, in the opinion of the common council, be invalid, said council may vacate and set the same aside. And when any such special assessment shall be so vacated, or shall be held invalid by the judgment or decree of any court of competent jurisdiction, said council may cause a new special assessment to be made, for the purpose for which the original assessment was made. Such new assessment shall be made in the manner provided for making original assessments of like nature, in force at the time when such assessment should be made. And whenever the tax, or any part thereof, assessed upon any lot or parcel of real estate by the original assessment, set aside or held invalid as aforesaid, has been paid and shall not have been refunded, it shall be the duty of the receiver of taxes to apply said payment upon the re-assessment on said lot or parcel, and to make a minute thereof, upon the new assessment roll, and such re-assessment shall, to the extent of such payment, be deemed paid and satisfied. All the provisions of the charter, making special assessments a lien upon the lots and parcels of real estate embraced therein, and also those relating to the collection of special assessments, shall apply to re-assessments made under this section. The provisions of this section shall apply to special assessments heretofore made, as well as to those which shall hereafter be made.

Vacating illegal assessment.

Special assessment.

(§ 150.) SEC. 62. Whenever in the opinion of the common council it shall be beneficial to do so, they may direct any public or lateral sewers or drains mentioned in this chapter to be constructed

Building sewers across or through private premises.

in and through private property and lots; in all cases where the council deem it expedient to lay public or lateral sewers or drains through private property, and to take private property or the use thereof for such purposes, proceeding shall be had, as near as may be, similar in all respects to those now provided for in the case of taking private property for the opening, widening or extending streets and alleys, and damages and benefits shall be assessed in the same manner: *Provided*, First, benefits may be assessed upon all lots in each block in which the drain or sewer is laid, which are benefited by the improvement; and further, that all damages actually awarded to parties shall be paid out of the sewer fund, and all assessments for benefits when collected shall be paid into the credit of said fund: *Provided further*, That when a public or lateral sewer is laid through private property, the same shall be done with the least practical injury or inconvenience to owners or occupants, and using like care, the board of public works, their agents and employes, shall at all times have free access to the premises, for the purpose of making necessary repairs to and connections with such public or lateral sewers or drains.

Proceedings.

Proviso.

Damages paid from sewer fund.

Proviso.

Refunding taxes unlawfully collected out of contingent fund:

(§ 151.) SEC. 63. The said common council shall also have power, when it shall appear that any tax or assessment is unjust, or is based upon any property not owned by the person to whom it is assessed, by a two-thirds vote of all the members elect, to repay the same out of the contingent fund, if collected, or if not collected, to vacate the assessment in whole or in part, in the manner and with like effect as is provided for in cases of illegal taxes and assessments in this chapter.

Bridge or tunnel across Detroit river.

(§ 152.) SEC. 64. The common council shall also have power to unite with the Canadian authorities, or any Canadian corporation, in building and maintaining a public bridge or tunnel across the Detroit river: *Provided*, That the city shall have an ownership in said bridge

or tunnel in proportion to the amount of money it may invest therein, or shall build or own that portion of said bridge or tunnel situated within the boundaries of this state, and shall have an equal voice with said Canadian authorities or corporation in the control and management of such bridge or tunnel, and in fixing the tolls to be charged and collected for the use of said bridge or tunnel by the public. The said bridge or tunnel shall be a common and public highway, but street car and railroad companies may be allowed to run their cars over said bridge or through said tunnel, upon such terms and conditions as the common council and said Canadian authorities or corporation may from time to time prescribe.

Use thereof.

(§ 153.) SEC. 65. Immediately after the organization of the board of aldermen shall have been completed, at its session on the second Tuesday in January in each year, and before it shall proceed to any other business, it shall receive the annual message of the mayor. (As amended by Act approved June 2, 1887.)

Joint convention of Common Council.

Mayor's annual message.

(§ 154.) SEC. 66. Repealed by Act approved June 2, 1887.

CHAPTER VIII.

ESTIMATES—DUTIES OF CONTROLLER AND POWERS OF COMMON COUNCIL AND BOARD OF ESTIMATES RELATIVE THERETO.

(§ 155.) SECTION 1. Before any taxes shall be levied for the purposes of any of the funds into which the revenues and moneys of the city may be divided, the controller shall present to the common council in writing his estimates of the amount of taxes which, in his opinion, it may be necessary to raise for the ensuing year for the purpose [purposes] of each of said funds, and also an estimate of the entire proposed expenditures for said year; whether the same is to be raised by tax, by loan, or by special assessment, which estimates shall be published in the official paper of the city. The controller shall at the same time give to the common council any information in his power or which they may request concerning the finances of said city. The common council may revise or alter said estimates, but not so as to exceed the aggregate taxes authorized by law to be levied, and when such estimates shall be finally adopted by them the same shall be transmitted by the clerk of said board to the board of estimates. The common council shall so alter, revise and adopt said estimates on or before the fifth day of April in each year. (As amended by Act approved June 2, 1887.)

Estimates of Controller to be reported to common council

Information to be furnished by Controller.

Council may revise, etc., estimates.

(§ 156.) SEC. 2. Repealed by Act approved June 2, 1887, and new section substituted as follows :

Board of Estimates created and how constituted.

SEC. 2. A board of estimates in and for the city of Detroit is hereby created, which shall be constituted as follows: Two members from each ward, who shall be elected at the same time and for the same term as aldermen, and five members who shall be elected upon a general ticket at the same time as the mayor, and who shall hold their office for a term of two years. The several provisions of law relating to elections in said city as to election of city officers and aldermen, canvassing the votes and making returns thereof shall, as far as applicable, apply to and regulate the holding of elections of members of said board: *Provided*, That the first election of members of said board shall be held on the first Tuesday after the first Monday in November, in the year eighteen hundred and eighty-seven, and two members from each ward shall be then elected, one of whom shall hold his office until the next general election in said city, in the year eighteen hundred and eighty-eight, and the other member so elected shall hold his office for two years from the second Tuesday of January, A. D. eighteen hundred and eighty-eight, and the ballots cast shall designate the respective terms of office of the persons then voted for; and there shall also be elected on said first Tuesday after the first Monday in November, eighteen hundred and eighty-seven, five members of said board upon a general ticket, who shall hold their office until the next general charter election in said city: *And provided further*, That five days' notice of such first election, to be given by the city clerk in two or more newspapers published in said city, shall be deemed sufficient. At the next general charter election to be held in the same city in the several wards, and annually thereafter, a member of the board shall be elected from each ward who shall hold his office for two years; and at such next charter election, and each alternate year thereafter, five members of said board shall be elected upon a general ticket who shall hold their office for two years.

Proviso as to first election.

Further proviso as to subsequent elections.

(§ 157.) SEC. 3. Repealed by Act approved June 2, 1887, and new section substituted as follows:

SEC. 3. All members of said board shall be resident electors of said city and hold their office until their successors shall be elected and qualified. The following officers of said city shall be *ex-officio* members of said board and shall have the right to participate in its deliberations, but shall not have the right to vote, to wit: The president and chairman of the committee on ways and means of the common council, the city controller, city counselor, the president of the board of education, board of water commissioners, board of police commissioners, board of poor commissioners, president of the fire commission, the senior members, being those whose terms will soonest expire, of the board of inspectors of the house of correction and of the board of public works. All members of said board shall, before entering upon the discharge of their duties, take and subscribe and file in the office of the city clerk, the same oath of office as is prescribed in the charter of said city to be taken by city officers. The members of said board shall receive as compensation three dollars for each daily session of the board. Said board shall elect one of their number president of said board, who shall preside at its meetings and who shall hold his office until the next election of members: *Provided*, That if he be absent, or incapacitated from performing his duties, the board may appoint a president *pro tempore*. The city clerk shall be *ex-officio* secretary of said board, and shall keep a record of its proceedings. The first meeting of said board shall be held annually on the first Monday in March, at ten o'clock in the forenoon, and at such other times as the common council may by resolution or ordinance provide. The meetings of said board shall be held in a suitable room to be provided by the common council, and if no provision be made, then the same shall be held in the common council chamber. The board may ad-

Qualification of members and *ex-officio* members.

Oath.

Compensation and officers of board.

Proviso.

Meetings of board.

Proviso as to meeting to consider estimates.

journ from time to time: *Provided*, That the meeting which shall be held annually to consider the estimates for the annual general taxes for city purposes shall not be adjourned to a time subsequent to the fifteenth day of April. The board shall have the right to call upon the common council or upon any officers or boards of the corporation for further reports, or for any information which it may require for the purpose of estimating any amount to be raised, or in reference to any other matter pending before such board. It shall also have the right to inspect the official books and papers of said officers or boards.

Before certain moneys raised, etc., estimates of amounts to be submitted to board.

(§ 158.) SEC. 4. Before any moneys shall be raised or taxes levied and collected for the purposes of the several funds mentioned in the charter of the city of Detroit and acts amendatory thereof, excepting interest and sinking funds, for the purpose for which moneys are required to be raised by other acts relating to said city, which require estimates for taxes to be submitted by the city controller, or other officers and boards, the estimates of the amount of moneys required for such funds or purposes by tax shall be submitted to said board of estimates; and before any bonds shall be issued said issue shall be authorized by said board of estimates. The estimates for the general city taxes shall be acted upon by the common council, as provided by law, and shall be submitted to said board of estimates in time to be considered by the board on or prior to said fifteenth day of April. Said board shall carefully consider all estimates hereby required by this act to be submitted to it of moneys to be raised as aforesaid, and shall approve or disapprove of the same. It may decrease the amount to be raised, but shall not increase the same. It may authorize the issuing of bonds in the same manner and in the same cases as such citizens' meeting might authorize the same. A majority of all the members elect of said board shall be required to approve of any such estimates for the raising of taxes, or any part

Time of submitting

Power of board

thereof, or to authorize the issue of any bonds. (As amended by Act approved June 2, 1887.)

Vote of board by yeas and nays and recording of

(§ 159.) SEC. 5. All votes in said board approving or disapproving of any estimate or decreasing the amount thereof, or authorizing or disapproving of the issue of bonds, shall be taken by yeas and nays, and entered upon the record of its proceedings. After said board shall have considered the said matters required to be submitted to it, it shall cause a statement of the amounts so approved by it to be raised by taxation or issue of bonds, and the fund or purpose for which raised to be made, which statement, being adopted by a majority of all the members elect of the board, shall be then certified by the president and secretary of the board, and shall be transmitted to the common council, and only so much of such estimates or amount to be raised by taxation as shall have been approved by said board shall be raised and collected in said city, and only such bonds shall be issued as shall be authorized by said board, as herein provided. The common council of said city, upon approval of said estimates, or any part thereof, by said board, shall caused to be levied and collected by general tax the amount thereof so approved, and shall issue any bonds so authorized to be issued by said board as aforesaid. (As amended by Act approved June 2, 1887.)

Statement of

Effect of statement.

Duty of council in relation thereto.

CHAPTER IX.

ISSUE OF BONDS FOR PUBLIC SEWERS.

(§ 160.) SECTION 1. The common council of the city of Detroit shall have power to provide money for the purpose of constructing a suitable sewer through Woodward avenue, from the present city limits on the north to the Detroit river, with a proper outlet, and such other sewers at such localities as the board of public works may deem proper and recommend. Such money may be provided upon the faith and credit of said city, and upon the best terms that can be made, in amount not exceeding five hundred thousand dollars, in addition to the amount heretofore raised under the authority conferred by the section of the act to which this act is amendatory; *Provided*, That an amount not less than two hundred thousand dollars of the moneys thus to be provided is hereby set apart for the special purpose of constructing and completing the said sewer through Woodward avenue. The said common council are hereby authorized to issue the bonds of said city to an amount not exceeding the said sum of five hundred thousand dollars, pledging its faith and credit for the payment of the principal and interest; but said bonds shall not be negotiated at less than their par value. Said bonds shall be denominated "Public sewer bonds of the city of Detroit," and shall be regularly dated and numbered in the order of their issue; one-fourth of the amount of such bonds as shall be issued may be of the sum of one hundred dollars each, and the remainder shall be for sums of not less than five hundred dollars each. They shall bear interest not exceed-

Woodward avenue and other sewers, money for.

Amount authorized.

Proviso.

Public sewer bonds, amount of, etc.

Interest on. ing five per cent. per annum, and shall be payable in not less than five nor exceeding fifty years from date; they shall be issued under the seal of the city, signed by the mayor and countersigned by the controller. The controller shall keep an accurate record of said bonds, showing the class of indebtedness to which they belong, the number, date, and amount of each bond, its rate of interest, when and where payable, and the person to whom it was issued. The proceeds of said bonds shall be paid to the city treasurer and be credited to the public sewer fund, and be applied exclusively to the purposes for which said fund is constituted as above. (As amended by Act approved June 8, 1889)*

Record to be kept, etc.

To be submitted to common council. (§ 161.) SEC. 2. No bonds shall be issued as aforesaid for the purpose of constructing said sewers unless approved by a majority of the common council at a regular meeting held for the purpose of considering the estimates for general city taxes.† There shall be presented to said meeting an estimate of the board of public works of the necessary cost of constructing said sewers recommended to be constructed as aforesaid. If a majority of the common council consent to the estimate presented, or any part thereof, the board of public works shall then be authorized to contract for the construction of said sewers, at a cost and expense not exceeding in amount the estimate or part thereof thus consented to; and the common council shall have power to borrow money therefor and issue bonds as above provided.

*Note No. 7, Appendix.

†See Note 8 Appendix.

CHAPTER X.

ASSESSMENT OF TAXES AND THEIR COLLECTION.

(§ 162.) SECTION 1. There shall be three assessors appointed by the board of councilmen, upon the recommendation of the mayor, who shall be known as the board of assessors, and who shall hold their office for the term of three years, as provided in chapter four, and shall devote their whole time to the service of the city, in connection with the duties of their office, and shall receive such compensation as the common council may determine; *Provided*, That the member of the Board whose term of office shall soonest expire shall be its president for the last fiscal year of his term of office.

Board of Assessors, term of office.

Compensation.

President.

(§ 163.) SEC. 2. The board of assessors shall, before the first day of April in each fiscal year, assess at its true cash value all the real and personal property subject to taxation by the laws of this State, within the limits of each ward respectively of said city, and said board shall, within the same period, make out and complete the assessment rolls, one for each ward, in books to be provided for that purpose by the common council, and to be delivered to said board on or before the first day of September in each year. The action of said board shall, at all times be subject to the correction and revision of the common council of the city of Detroit, as provided for in the charter of the city.

Duty of Assessors.

Action of Assessors reviewed by common council.

President of Board of Assessors and Aldermen to be Supervisors.

(§ 164.) SEC. 3. The president of the board of assessors, together with the two aldermen of each ward of the city of Detroit, shall be and are hereby vested with the powers and duties of supervisors, as provided by the laws of this State, not inconsistent with the provisions of this chapter, and said president and alderman shall attend the annual session of the board of supervisors of the county of Wayne, in October, and all other sessions thereof, and shall represent the interests of this corporation in said board.

Proceedings when lots lie in different wards.

(§ 165.) SEC. 4. If any lot or lots shall lie partly in two or more wards, the same shall be assessed in the ward where the greater portion of said lot or lots is situated, and the said board shall describe all lands, tenements, and subdivisions thereof, subject to assessment or tax in said city, by referring to the number and section of the lot, and the owner or occupant thereof, and if the number and section of any lot, or the owner thereof can not be ascertained, then by such other sufficient description as such board may deem proper; and if, by mistake or otherwise, any person may be improperly designated as the owner of any lot, tenement, or premises, such assessment or tax shall not, for that cause be vitiated, but the same shall be a lien on such lot, tenement or premises, and collected as in other cases.

Board of Assessors may demand list of property of owner, etc.

(§ 166.) SEC. 5. The said board shall have power and authority to demand of every person owning or having charge, as agent or otherwise, of any property taxable in any ward, a list of such property, with such description as will enable them to assess the same, which demand may be made in writing, and by delivering the same to such person, or by leaving the same at his place of residence, with some person of proper years and discretion, and if the person of whom such demand may be made, shall not, within ten days thereafter, deliver to such board a list of the property in said ward belonging to him or her, or under his or her charge, with a correct description of the same,

or if he shall omit any such property in the list delivered, said board shall have power, and it shall be their duty, to assess such property, upon such knowledge or information, as may be satisfactory to them, at its cash value, and according to their best judgment and discretion.

Boaad of Assessors to meet April 1st to review their work.

(§ 167.) SEC. 6. It shall be the duty of the board of assessors to cause notice to tax payers of said city to be published in the daily newspapers, published by the printer for the city, and in one other daily newspaper published in said city, for two weeks prior to the first day of April in each year, that the assessment rolls have been completed. Any person considering himself aggrieved by reason of any assessment, may complain thereof, either verbally or in writing, before said board of assessors, and on sufficient cause being shown by the affidavit of such person, by oral proof, or by other evidence to the satisfaction of such board, it shall review the assessment complained of, and may alter or correct the same as to the person charged thereby, the property described therein, and the estimated value thereof. The concurrence of a majority of the board shall be sufficient to decide any question of altering or correcting any assessment complained of. The board of assessors, or a majority of them, having completed the review and correction of said assessment rolls, shall sign, and, on or before the third Tuesday of April in each year, return the same to the board of aldermen of the city.

Notice, etc.

Joint session of common council to consider assessment rolls.

(§ 166.) SEC. 7. The board of aldermen after receiving said assessment rolls shall, at its next regular session, in joint session with the board of councilmen, to be called together by the city clerk by a written notice to each member, proceed to consider the same, and any person considering himself aggrieved by the assessment of his property and the decision of such board of assessors thereon, may appeal to the board of aldermen and board of councilmen at the said joint session. Every appeal shall be in writing and shall state specially the

grounds of the appeal and the matter complained of, and no other matter shall be considered by the said boards. While acting upon said assessment rolls or appeals any member of said board of assessors may, and, on request of said board by resolution, shall meet with the said board and make such explanations as he may deem requisite in any case.

Joint session to have power to alter, revise, etc., assessment rolls.

(§ 169. SEC. 8. The said boards, in joint session, shall hear and determine all appeals in a summary manner and correct any errors which they may discover in the assessment rolls, and place thereon the names of any persons and the description of any property not already assessed, and assess the same, and may increase or diminish any assessment as they see fit: *Provided*, That they shall not increase any assessment of property without giving a reasonable opportunity to the persons owning or having charge of the same, if known, to appear and object thereto. And may continue the consideration of said assessment rolls and the hearing of said appeals from session to session for a period not exceeding sixteen days after the time when they are to be first considered as above provided; and on or before the expiration of said period of sixteen days, they shall be fully and finally confirmed by the said boards, and shall remain as the basis of all taxes to be levied and collected in the city of Detroit, according to property valuation, until another assessment shall have been made and confirmed as above provided for.

To be finally approved in sixteen days.

Assessment of taxes.

(§ 170.) SEC. 9. After the assessment rolls shall have been fully and finally confirmed, as provided in the preceding section, it shall be the duty of the board of assessors to cause the amount of all taxes, in dollars and cents, authorized to be assessed and collected in each year, to be ratably assessed to each person named or lots described, upon and according to the aggregate valuation such person or lots shall have been assessed in said assessment rolls, or books prepared for that

purpose, to be known as the tax rolls for each ward, in separate columns, showing the amount of highway, police, school and city taxes assessed to each person or lots in each year; and when said tax rolls shall have been completed, the board shall deliver the same to the controller, who shall cause the same to be delivered to the receiver of taxes, and take his receipt therefor and charge him therewith. Upon the receipt of the tax rolls by the receiver of taxes, as hereinbefore provided, the taxes therein stated shall become a debt due and payable to the city, and the receiver of taxes shall forthwith, upon the reception of said tax rolls, give six days' notice by publication in the official daily paper published in said city, and by posting the same in at least six public places in each ward, which notice shall be a sufficient demand for the payment of all taxes on said rolls, that the general tax rolls have been deposited with him and that payment of the taxes therein specified made to him at any time before the thirtieth day of December thereafter; that no addition will be made to taxes paid before the first day of August, but that an addition of one per cent of every unpaid tax will be made thereto on that day, and a like addition of one per cent on every thirtieth day thereafter until such addition shall amount to six per cent of such tax: *Provided, however*, That when a person shall, on or about the twenty-fifth day of July, hand to the receiver of taxes a list of the property on which he wishes to pay the taxes, and shall be unable to pay said taxes before the first day of August on account of a pressure of business in the receiver's office, then he shall not be charged any percentage if he pay said taxes by the tenth day of August. Upon the receipt of any tax the receiver shall mark the same paid upon the proper roll and give a receipt therefor. Any person owning an undivided share, or other part or parcel of real property assessed in one descriptien, may pay on the part thus owned by paying an amount having the same relation to the whole tax as the part on which payment is made has to the whole par-

Rolls to be delivered to Controller.

When taxes due and payable.

Notice to be given by Receiver of

When no addition to be made to taxes.

When addition to be made.

Proviso.

Receipt for taxes paid.

cel. The person making such payment shall accurately describe the part on which he makes payment, and the receipt given and the record of the receiving officer shall show such description and by whom paid. Any person having a lien on property may pay the taxes thereon, and the same may be added to his lien and recovered with the rate of interest borne by the lien. On the first day of January following the time when any tax shall become due and payable, the receiver shall add to every such tax six per cent of the amount thereof as stated in the roll, and the amount of the tax and of such addition, as are hereinbefore specified, shall thenceforth be the unpaid tax, and shall bear interest from that day at the rate of ten per cent per annum till paid, except as is herein otherwise provided. On or before the fifteenth day of January the receiver shall add to the tax rolls of the unpaid taxes of each ward an additional column, which shall show the augmented amount of every such tax. Immediately after completing such roll he shall cause a notice to be published in five successive numbers of at least two daily newspapers published in said city, stating that said roll of unpaid taxes has been made and that it will remain in his office, where such taxes may be paid until the first day of February following, after which the property against which such taxes are assessed shall be advertised and sold as hereinafter provided. It shall be the duty of the board of assessors to make copies of said rolls as finally confirmed by the common council, upon which they shall ratably assess the county and state taxes, as provided by the general laws of the state. (As amended by Act approved May 24, 1889.)

Taxes paid may be added to lien

When Receiver to add six per cent to tax, etc.

Interest on unpaid taxes.

Notice of making out roll of unpaid taxes, etc

When property may be sold for taxes.

(§ 171.) SEC. 10. On and after the first day of August in each year, and at any time until the taxes mentioned in this section are paid, it shall be the duty of the receiver of taxes, and the clerks or subordinates in his office designated by him for that purpose, to collect all unpaid taxes which are assessed against any property or value

Receiver to collect personal taxes.

other than real estate, and if necessary the said receiver and said clerks and subordinates, under the direction and in the name of the receiver, shall have power to levy upon and sell at public auction the personal property of any person refusing or neglecting to pay such tax. Three days' notice of any such sale shall be given by the receiver, by publication in the official and one other daily newspaper of said city, and any surplus remaining after the payment of the tax and percentage, and the expense of drayage and storage, shall be paid over to the owner of such property or other person entitled to receive the same; and the said receiver shall have power, in the name of the city of Detroit, to prosecute any person refusing or neglecting to pay such taxes by a suit in the circuit court for the county of Wayne, and he shall have, use, and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of any such tax; and the said tax roll shall be *prima facie* evidence of the indebtedness by such person and the regularity of the proceedings by which the tax was assessed or levied.

Levy and sale.

Power to sue.

(§ 172.) SEC. 11. The owners or occupants, or parties in interest to any real estate assessed under this chapter, shall be liable to pay every such tax or assessment, and if the same shall not be paid by the first day of February following, or any part thereof, it shall be lawful for the receiver of taxes to cause a notice to be published in the official daily newspaper for the city, once a week for four successive weeks, and posted in three or more public places in each ward, requiring the owners or occupants of, or parties interested in such lands, tenements, herditaments or premises, to pay such assessment or tax, and that if default be made in making such payment, such real estate will be sold at public auction, at a day and place to be specified in said notice, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing and paying such assessment or tax, with the additions provided in this

Owners liable to pay taxes.

Sale of property for non-payment.

act, and the cost and expense of advertising. The common council in its discretion, may cause said notice, or any part thereof, to be published in a German newspaper in said city; *Provided*, That all publications in languages other than English shall not exceed the sum of twenty-five hundred dollars per annum, now authorized by the charter of the city of Detroit.

Publication of notice in German language.

Receiver of taxes to make sale for delinquent taxes.

(§ 173.) SEC. 12. If the owner or occupant of, or parties in interest in such real estate, do not pay such assessment or tax, with costs, additions and charges, within the period above prescribed for the publication of said notice, then the said receiver shall have the power, without any further notice, to cause such real estate to be sold at public auction, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing such assessment or tax, with the costs, additions and charges, and to direct the execution of a proper certificate of such sale to the purchaser thereof; and if such real estate shall not be redeemed within one year after such sale thereof, as hereinafter provided, the controller shall, in the name of the city of Detroit, execute and deliver to such purchaser, or his assignee, a proper deed for the conveyance of such real estate for the term for which the same was sold; which deed shall be *prima facie* evidence of the regularity of all the proceedings under which the sale was made and said deed was executed, up to the date of such deed. Any person who, under such deed, may enter into such real estate, and erect or place any building or other property thereon, shall have the right at the expiration of said term, or in case he shall be ousted before the expiration of such term by any person claiming adversely to said deed, then, within three months after trial, judgment or ouster or ejectment, to remove said buildings or property from said real estate. And in all sales of lands for taxes aforesaid, if the purchaser, or his assigns, shall die before a deed or other conveyance shall be executed on such sale, the deed may be executed by

Redemption from sale.

Deed prima facie evidence of title.

the controller to and in the name of the purchaser or assigns, who, if living, would be entitled to a deed or conveyance, which deed or conveyance shall vest the title in the heirs or devisees of such deceased person, in the same manner, and liable to like claims of creditors and other persons as if the same had been executed to such deceased person immediately previous to his death, or the executor or administrator may assign the certificate of purchase, and the deed of conveyance may issue to the assignee thereof; and in like cases, which have heretofore occurred, the same rule shall apply, and all deeds and conveyances heretofore issued in the name of any deceased person, who, if living at the time of the execution thereof, would have been entitled thereto, shall have like effect as above provided.

(§ 174.) SEC. 13. When any lands, tenements, and hereditaments shall be sold according to the foregoing provision for the payment of any assessment or tax, as aforesaid, if the owners or occupants of or parties in interest in the same shall, within one year after such sale, deposit with the treasurer of said city, for the use of the purchaser, the full amount of the assessment or tax for which such real estate was sold, and such interest as the common council shall prescribe, as hereinafter authorized, together with the amount of the costs and charges, then the term for which such real estate was sold shall cease and be determined at the time of making such deposit, subject, however, to the right of the purchaser, his heirs, executors, administrators, or assigns, to remove any building or building materials as hereinbefore provided. Redemption

(§ 175.) SEC. 14. Any person in the possession of any real estate, at the time any tax is to be collected, shall be liable to pay the tax imposed thereon, and in case any other person, by agreement or otherwise, ought to pay such tax, or any part thereof, the person in possession, who shall pay the same, may recover the amount from the per- Person in possession liable for tax.

son who ought to have paid the same, in an action of assumpsit, as for moneys paid out and expended for his benefit, or may deduct the amount from any rent due or to become due to the person who should have paid such tax.

Interest on unpaid taxes.

(§ 176.) SEC. 15. The common council shall have power to charge interest, at a rate not exceeding ten per cent per annum, from the time of sale upon the amount to be paid upon the redemption of any such real estate and premises so sold.

Right to remove buildings, etc.

(§ 177.) SEC. 16. Any person who shall at such sale purchase for a term of years, any lots, grounds or wharves, shall have the right to remove any building or building materials erected or deposited by or belonging to him, and situated on said lots, grounds or wharves, at any time within three months after the expiration of the term or time for which the same were sold.

Controller or Mayor to execute conveyance.

(§ 178.) SEC. 17. The controller, or in his absence the mayor may execute in the name of the corporation, and under its corporate seal, proper conveyances or certificates of sale of all lands, tenements or hereditaments sold for assessments or taxes, which, when duly acknowledged and attested by the city clerk, may be recorded as other conveyances of land under the laws of this state.

Controller to bid for city where no one offers to bid.

(§ 179.) SEC. 18. It shall be the duty of the controller to bid in for the corporation, at any sale of real estate for assessments or taxes, every lot of land or premises for which no person shall offer to bid; and if any purchaser shall refuse or neglect to pay the sum or sums bid by him, within the time and under the regulations prescribed by the common council, such bids shall enure to the use and benefit of the corporation, if the common council so elect. Upon all such bids by the controller, and all bids as aforesaid, to the use and benefit of the corporation, conveyance and certificates of sale may be executed

Certificates of sale.

by the controller to the corporation, acknowledged and attested by the city clerk, and recorded in the same manner as provided in other cases of sale for assessment or taxes. But in all cases of sales for special assessments, the property so bid in for the corporation may; at the option of the common council be held in trust for the person or contractor in whose behalf such assessment shall have been made, o his assignee, or upon payment to such person or contractor of th e amount for which such property shall have been bid in, the city may, as in case of the general tax, become the owner of the tax title or lease thus obtained, and may dispose of the same as if obtained under a like sale for any general tax.

Special assessment.

(§ 180.) SEC. 19. All assessment rolls and proceedings under this chapter, and all conveyances, certificates of sale, and leases of any lands, tenements or hereditaments, executed by the corporation, or any of its officers, by virtue of this act, shall be taken and received in all courts as *prima facie* evidence of the regularity of the proceedings by which any tax heretofore mentioned was assessed or levied.

All conveyances to be taken as prima facie evidence of regularity of all proceedings.

(§ 181.) SEC. 20. Assessment rolls to defray the expense of constructing lateral sewers, side and crosswalks, paving, grading, macadamizing, graveling or otherwise improving streets, lanes or alleys, or for defraying the expense of any local improvements properly payable from the proceeds of special aesess nent, shall be placed in the hands of the receiver of taxes for payment, as may be provided by ordinance or resolution of the common council, for the space of thirty days, after which warrants for the collection of the same may be issued, and such proceedings for the collection thereof be had as are or shall be prescribed by law, or by any ordinance or resolution of the common council, and sales of any real or personal estate for any unpaid assessment shall be made in like manner, and with like effect, as in case of sales for the non-payment of the general tax.

Assessments for sewers, paving and sidewalks.

Warrants.

Personal property to be assessed in any ward.

(§ 182.) SEC. 21. All taxes upon personal property may be assessed in any ward of said city, whether the person assessed be a resident of such ward or not; *Provided only*, The property so assessed shall be in said ward, and the officer to whom any warrant for the collection of the same, or any tax or assessment on real estate is delivered, may execute the same by a levy and sale of any personal property, in any ward of said city, belonging to the person or persons chargeable with such tax or assessment.

Proviso.

CHAPTER XI.

TAXATION AND FINANCE.

(§ 183.) SECTION 1. The revenues and moneys of the corporations shall divided into the following funds, viz.: Division of revenues into funds.

First, General fund, which shall be appropriated to defray the expenses of the city of Detroit, for the payment of which, out of some other fund, no provision is herein named;

Second, Contingent fund, to defray the contingent expenses of said city;

Third, Interest fund, to pay the interest on the funded debt of the city;

Fourth, Sinking fund, to pay the funded debt of said city;

Fifth, Detroit fire commission fund, to defray the expenses of purchasing lots, erecting engine houses thereon, purchasing engines and other fire apparatus and all other expenses necessary to maintain the fire department of said city;

Sixth, Poor fund, to defray the expenses of providing for and taking care of the poor of said city;

Seventh, General road fund, to defray the expenses of repairing paved streets and alleys, and of grading, paving and improving the highways, streets and alleys of said city, in front of or adjacent to the

property of the corporation, and to defray the expenses of constructing and repairing cross-walks in the several wards of the city ;

Eighth, District road fund for each ward of the city, to defray the expenses of working, repairing, cleaning and improving the highways streets and alleys in the ward for which such district road fund is constituted and raised ;

Ninth, Sewer fund, to defray the expenses of constructing sewers in said city ;

Tenth, Street opening fund, to defray the expenses of opening, widening, vacating, altering, straightening, extending or abolishing any highways, streets, alleys or avenues in said city ;

Eleventh, Street paving fund, to defray the expenses of grading, paving and graveling, macadamizing or planking highways, streets, alleys, sidewalks and cross-walks in front of, or adjacent to private property, and of putting curb-stones and culverts therein ;

Twelfth, Public building fund, for purchasing any real estate for the erection thereon of any public buildings, and to defray the expenses of erecting, repairing and preserving such public buildings as the common council is authorized to erect and maintain, and are not herein otherwise provided for, which fund shall from time to time be divided into special building funds, to defray the expense of erecting, repairing and preserving the particular building or buildings for which such special building fund may be constituted or raised ;

Thirteenth, Recorder's court fund, to maintain the recorder's court ;

Fourteenth, Public lighting fund, to defray the expense of lighting the public streets, parks, alleys and public places, public markets and public buildings of said city ;

Fifteenth, Such other funds as the common council may constitute for special purposes, not inconsistent with, nor to be taken from, any of the funds above constituted or raised;

Sixteenth, Also a fund for defraying the expense of the removal and destruction of garbage and all vegetable and animal refuse from said city. (As amended by Act approved June 17, 1889.)

(§ 184.) SEC. 2. The common council shall have power annually to levy, assess and collect taxes not exceeding one per cent on the assessed value of all real and personal estate in said city, made taxable by the laws of this state, in order to defray the expenses, and for the purpose for which the general fund, contingent fund, Detroit fire commission fund, poor fund, general road fund and recorder's court fund are constituted as above. Said common council shall have power annually to levy assessments and collect taxes on the assessed value of all real and personal estate in said city, made taxable by the laws of this state, in order to defray the expenses and for the purpose for which the public lighting fund is constituted as above. Said common council shall have power to advertise for proposals and contract for such public lighting for the term of one, two or three years, as they shall deem advisable: *Provided*, That the amount to be raised for said public lighting fund in any one year shall not exceed the estimated cost, or the actual cost, if already contracted for, of the public lighting of that year: *Provided further*, That the common council shall have the power to advertise for proposals, and contract for the removal, disposition or destruction of garbage and all animal and vegetable refuse for the term of one, two or three years, as they shall deem advisable; but the amount to be raised for any such purpose in any one year shall not exceed the estimated cost, or the actual cost, if annually contracted for, for that year. (As amended by Act approved June 17, 1889.)

Tax for general, etc., funds.

Proviso.

Further proviso

Power to collect for District Road Fund limited.

(§ 185. SEC. 3. The common council shall also have power annually to levy, assess and collect taxes on the assessed value of all real and personal estate in each ward of said city, made taxable by the laws of this state, in order to defray the expenses, and for the purposes for which the district road fund is constituted as above; *Provided*, That such taxes shall not exceed in amount the rates of township, road or highway taxes as are now or hereafter established by the laws of this state.

Tax for sewer fund, etc.

(§ 186.) SEC. 4. The common council shall also have power annually to levy, assess and collect taxes, not exceeding two hundred thousand dollars, on the assessed value of all the real and personal estate in said city, made taxable by the laws of this state, in order to defray the expenses of constructing sewers, and for the purpose for which the sewer fund is constituted as above. (As amended by Act approved July 1, 1889.)

Interest fund.

(§ 187.) SEC. 5. The common council may annually levy, assess and collect on the assessed value of all real and personal estate of said city, made taxable by the laws of this state, taxes for the purposes of the interest fund, not exceeding in amount a sufficient sum to pay the interest accrued, or to accrue, on the funded debt of said city for the year for which such taxes are levied: *Provided*, That the common council may further provide in such annual tax levy for a sum sufficient to cover any deficiency which may have occurred, or likely to occur, to this fund by reason of the non-payment of taxes, or from any other causes whatever; and also taxes not exceeding ten thousand dollars in any year for the purposes of the sinking fund.

Deficiencies.

Sinking fund.

Special assessments to be part of paving fund.

(§ 188.) SEC. 6. The proceeds of each special assessment levied for the grading or paving of any street or alley shall become part of the street paving fund, and be credited therein to the account of the

specific improvement for which the assessment was made ; *Provided*, That the common council shall not, in any one year, enter into contracts for the grading and paving of streets, alleys and public places, the cost of which will exceed in the aggregate two hundred thousand dollars, except upon the petition of the holders of the larger portion of the real estate directly abutting upon the portions of the street or alley proposed to be improved. (As amended by Act No. 470. Approved Suly 1, 1889.) Proviso.

Sewer and Building Fund may be borrowed; Bonds to be issued therefor.

(§ 189,) SEC. 7. The common council shall also have power to provide money for the sewer fund and the public building fund, by borrowing upon the faith and credit of said city, and upon the best terms that can be made, such sums of money as shall be deemed necessary and expedient, and to issue the bonds of the city therefor ; but said bonds shall not be negotiated at less than their par value, or bear interest to exceed seven per centum. The common council shall also have power to borrow by issuing bonds to be known as "public improvement bonds of the city of Detroit," on the faith and credit of the city aforesaid, such sums of money as may be necessary for the purpose of constructing a highway by bridge or tunnel, with suitable draws, sites and approaches over or under the Detroit river, from any point within the city limits or within one mile thereof ; *Provided*, That all of said public improvement bonds be issued for the purpose above expressed, and bridging the American channel of the Detroit river to Belle Isle, if the same shall have been or may be authorized by an act of the legislature of this State, shall not exceed the sum of five hundred thousand dollars ; *Provided*, *however*, That the gross debt of the city, not including the debt of the water board, and deducting the means in the sinking fund of the city, shall never exceed two per cent. of the assessed value of all the real and personal property in said city ; and all bonds and other indebtedness issued or Proviso. Proviso. Gross debt of city.

Denomination of bonds; amount; by whom signed; record thereof, etc.

created in excess thereof shall be void. Bonds issued under this section shall be respectively denominated "sewer bonds of the city of Detroit," "public building bonds of the city of Detroit," and "public improvement bonds of the city of Detroit," and shall be regularly dated and numbered in the order of their issue; shall be for sums not less than five hundred dollars each, and shall be payable in not less than five years or more than thirty years from date; shall be issued under the seal of the corporation, signed by the mayor, and countersigned by the controller. The controller shall keep an accurate record of said bonds and of the class of indebtedness to which they belong, the number, date and amount of each bond, its rate of interest, when and where the same is payable, and the person to whom it is issued. The proceeds of said bonds shall be paid into the city treasury, and be credited to the funds for which the bonds were issued, and be applied exclusively to the purpose for which said funds are constituted by this act. It shall be the duty of the city controller, in the preparation of all bonds, as required by this act, to cause to be written or printed upon the bond, on the outside fold of the same, so that the same may always be in plain sight, the following words, to be signed by the treasurer of the city, and the bonds not to be valid without his signature:

Endorsement.

Form of Endorsement.

"This bond has been made and issued in compliance with law; has been duly registered in the books of this office, and the proceeds of the same, together with all the premiums on sale, and interest accruing before delivery, have been paid into this office.

"Detroit.....18.....

.....

"*City Treasurer.*"

When any issue of bonds is duly authorized by law, and the controller shall have first advertised, in such manner as the common council shall direct, for sealed proposals for the purchase of the bonds about to be issued, and shall have received proposals for the purchase of such bonds, he shall report the bids to the common council. The common council having authorized the sale of such bonds, according to the proposals for the same, the controller shall prepare such an amount of the issue only as may be ordered sold, and having caused the same to be duly executed and recorded in the books of his office, with all the particulars as required by the charter, he shall transmit the same, with the name of the purchaser, number, date, time and denomination of bonds, to the city treasurer, taking his receipt for the same, and shall also report the entire transaction to the common council at its next succeeding session. It shall be the duty of the city treasurer, on receipt of said bonds, to immediately notify the parties to whom the bonds have been awarded, that the same are ready for delivery, and deliver to said parties the bonds according to their accepted bids for the same, charging them with the premium, if any is included in the proposals, and the interest accrued on the bonds at the date of delivery, and further comply with this chapter by recording said bonds and signing the blank as aforesaid and report to the common council, at its next following session, the full particulars of the delivery of the bonds, which report, together with the report of the controller, heretofore mentioned, shall be referred to the committee on ways and means, who shall compare the report of the treasurer with that of the controller, and report to the council upon the correctness of the same, when they shall have found them to be correct. It shall be the duty of the city treasurer, whenever coupons are presented at his office for payment, to first examine his coupon book, to ascertain if the bond from which such coupon is cut has been regularly issued, and the proceeds thereof have been re-

Bids for bonds to be reported to council.

Treasurer's duties relative thereto.

Coupons, how paid.

gularly paid into the treasury, and if the payment of such interest is due. And if such be found to be the fact, he shall transmit said coupons, with the certificate of their correctness, to the city controller. It shall be the duty of the controller, upon the receipt of said coupons and certificate of the treasurer, to examine the same, comparing them with the records of bonds in his office, and previous payment of coupons, and, if found correct, issue his warrant on the treasurer in payment of the same, whereupon he shall cause the said coupons to be firmly pasted in a book prepared for such purpose, which book shall be so prepared and ruled, with spaces for each coupon, under a complete record of the bond from which said coupon is cut, together with the date or payment and the name of the party to whom payment is made, so that the said book will at all times properly and plainly display the complete record of the bond, and all payments of interest by the original coupon, date of each payment, and name of the party to whom paid, and to which book or books the controller shall make reference before the payment of any such coupon.

Contracts for public works, furnishing supplies, etc.

(§ 190.) SEC. 8. No contract shall be let or entered into for the construction of any public work, or for any work to be done, or for the purchasing or furnishing of supplies for said city not herein provided for, and no such public work, performance, purchasing or supplying shall be commenced until approved by the common council, and until the contract therefor has been duly approved and confirmed by the common council, and a tax or assessment levied to defray the cost and expense of the same, and no such work, supplies and materials shall be paid for or contracted to be paid for, except out of the proceeds of the tax or the assessment thus levied : *Provided, however*, That the public lighting may be contracted for and paid for in accordance with section two of this act : *And provided further*, That the removal, disposition or destruction of garbage may be contracted and

Proviso.

Further proviso

paid for in accordance with the provisions of section two of this act. (As amended by Act approved June 17, 1889.)

Contracts to be let to lowest bidder, etc.

(§ 191.) SEC. 9. No contract for the purchase of any real estate, or for the construction of any public building, sewer, paving, graveling, planking, macadamizing, or for the construction of any public work whatever, or for any work to be done, or for purchasing or furnishing any material, printing or supplies for said corporation, if the purchase of said real estate, or the expense of such construction, repairs, work, printing materials or supplies shall exceed two hundred dollars, shall be let or entered into except to and with the lowest responsible bidder, with adequate security: *Provided*, That in case of repairing paved streets, building and repairing crosswalks, culverts, intersections and sidewalks, the common council may cause the same to be done by the board of public works when so deemed advisable and ordered by a two-third vote of all the aldermen elect. And as to such work or material requiring mechanical skill, to and with practical mechanics, and as to such other work, supplies or materials not requiring mechanical skill, to and with such persons as shall be deemed competent for the performance of any such contract, and not until a notice calling for bids shall have been duly published in at least one daily paper published in said city, and for such period as the common council shall prescribe; and no bids shall be accepted from or contract awarded to any person who is in arrears to the corporation upon debt or contract, or who is defaulter as security or otherwise upon any obligation to the corporation, or who shall in other respects be disqualified according to the provisions of this Act. (As amended by Act approved June 2, 1889)

Proviso.

Evidence of debt, for what issued.

(§ 192.) SEC. 10. No loan, bond, or other evidence of debt, not expressly authorized by this act, or any act hereby continued in force, shall be made or issued by the common council or any officer of the

corporation : *Provided, however*, That the common council may issue new bonds for the refunding of bonds and evidences of debt already issued ; and the proper officer of the corporation may draw and issue orders on the treasurer for the necessary and current expenses of the city.

Council not to borrow money unless expressly authorized.

(§ 193.) SEC. 11. The common council shall not have authority, except as herein specially provided, to borrow any sums of money whatsoever on the credit of the corporation, but may authorize the controller to borrow, from time to time, on such credit, such sums as may be necessary to meet the expenditures under the appropriations for the current fiscal year.

New bonds, what to show and how issued.

(§ 194.) SEC. 12. All new bonds, issued for the refunding of bonds and evidences of debt before issued, shall show the class of indebtedness to which they belong ; be issued on the best terms that can be made ; be regularly dated and numbered in the order of their issuance ; shall be for sums not less than five hundred dollars each ; shall be issued under the seal of the corporation, signed by the mayor, and countersigned by the controller. The controller shall keep an accurate record, showing the class of indebtedness to which they belong, the number, date and amount of each bond, its rate of interest, when and where the same is payable, and the person to whom it is issued, and showing also what bonds or evidences of debt have thereby been refunded.

Controller to keep a record.

Bonds refunded to be cancelled.

(§ 195.) SEC. 13. All bonds and evidences of debt, when refunded, shall be cancelled and destroyed by the treasurer, in the presence of the controller and a special committee of the common council appointed for the purpose. He shall record and keep an accurate description of all bonds and evidences of debt thus cancelled and destroyed.

(§ 196.) SEC. 14. All bonds and evidences of debt issued, and all contracts made or entered into contrary to or not authorized by the provisions of this act, shall be absolutely void. The common council shall incur no expenses, and create or pay no debt or liability contrary to or not authorized by the provisions of this act, and shall not appropriate or use the property or moneys of the corporation, except as authorized by and in pursuance of law.

Bonds not issued according to this act void.

(§ 197.) SEC. 15. No claim or demand against the corporation shall be allowed or paid, or warrant on the treasury issued therefor, if the same be contrary to, or is not authorized by law, and no additional allowance beyond the legal claim under any contract with the corporation, or for any services on its account or in its employment, shall be allowed. No warrant on the treasury shall be drawn for any claim or demand for the payment of which there is no money in the treasury raised or received for such purpose, or after the fund constituted and raised therefor has been exhausted by warrants previously drawn thereon, or by appropriations, liabilities, debts and expenses actually made, incurred, or contracted for, and to be paid out of such fund.

Illegal claims not to be allowed.

Warrant not to be drawn unless there is money in the treasury.

(§ 198.) SEC. 16. No moneys shall be paid out of the treasury, except upon a warrant signed by the controller, and approved and authorized by the common council in pursuance of law. Such warrant shall specify the purpose for which the amount thereof is to be paid, with sufficient clearness to indicate the particular fund constituted or raised therefor, shall have endorsed thereon the name of the particular fund out of which it is payable, and shall be paid from the fund constituted for such purpose, and from no other.

No money to be paid out except upon warrant duly signed, etc.

(§ 199.) SEC. 17. No claim against the corporation shall be audited or paid unless accompanied by the affidavit of the claimant (if such affidavit be required by the controller), that the service, labor or materials upon which such claim is based have been actually ren-

Claim to be accompanied by affidavit.

dered, performed or furnished; that said claim is justly due, and that no part thereof has been paid, except as to the credits, if any, set forth in the account thereof.

Drafts on funds limited.

(§ 200.) SEC. 18. The common council shall not, by warrant, draft, or order on the treasury, or by any form of contract, create any liability or expense, for the payment of which any particular fund is constituted as above, to a greater amount in the aggregate, for one year, than the amount of moneys raised for and paid into such fund for the year. All warrants, drafts, orders and contracts payable under this act, out of any particular fund, and issued or made after the moneys raised for and paid into such fund shall have been exhausted by payments therefrom, or liabilities created and to be paid out of said fund, shall be absolutely void as against the corporation.

Officers not to be interested in any contract with city.

(§ 201.) SEC. 19. No contract or agreement, written or verbal to which the corporation shall be a party, or to which any officer or board thereof shall officially be a party, for the construction of any pavement, building, sewer or performance of any public work whatsoever, or contract or agreement, requiring the expenditure, receipt or disposition of money or property, by the corporation, or any officer or board thereof, or creating any debt or liability, shall be let, or entered into, either directly or indirectly, with any member of the common council, or other officer of the corporation, either as principal or surety, and any such contract or agreement thus let or entered into shall be absolutely void.

Passing ordinances, etc., requiring expenditures.

(§ 202.) SEC. 20. No ordinance, resolution or proceeding of the common council imposing taxes or assessments, or requiring the payment, expenditure or disposition of money or property, or creating any debt or liability therefor, and no other ordinance shall be passed at the same meeting at which it was introduced, unless by unanimous consent, or at a special meeting called therefor, and every such ordi-

nance, resolution or proceeding shall be passed by yeas and nays, to be entered on the record. (As amended by Act approved June 2, 1887.)

(§ 203.) SEC. 21. The fiscal year of the city of Detroit shall commence on the first day of July, and expire on the thirtieth day of June, and shall not be subject to change by the common council of said city. During the month of July in each year, the controller shall submit to the board of aldermen a full, complete, and detailed statement, with tabular lists, of all moneys received and expended by the corporation for the preceding fiscal year, showing on what account they were received and expended, to what funds they were credited, and out of what funds they were paid, and classifying each receipt and expenditure under its appropriate head. In such statement he shall also give, by tabular lists and otherwise, such general information as may be necessary for an understanding of the pecuniary resources and liability of said city, and of the condition of each fund, and may make such recommendations concerning the same as the interests of said city may require. The board of aldermen may cause said statement to be published in the daily newspaper, published by the printer for said city, and in such other paper or papers as the board of aldermen may direct.

Fiscal year.

Controller to report in July full statement.

(§ 204.) SEC. 22. The common council and the controller, or either, may, at any time, require from the various officers and boards of the corporation, and it shall be their duty to furnish, when required, and in such form as shall be required, full and particular estimates, in detail, of the expenses of their offices or departments for the current or next ensuing fiscal year, and also full and particular accounts, in detail, of their expenses for any past year, or for any part thereof.

Council or Controller may require statements and accounts from officers, etc.

Power to contract with bank for safe keeping of moneys.

(§ 205.) SEC. 23. The common council shall have power to contract with any safe bank or banks, for the safe keeping of public moneys, and for the receipt of interest, at a rate not exceeding that established by law, upon such moneys of the corporation deposited with such bank or banks, and to be drawn on account current from such bank or banks, by the corporation or proper officer thereof, and such interest shall belong and be credited to the sinking fund.

Interest thereon to go to Sinking Fund.

By whom loans to be negotiated.

(§ 206.) SEC. 24. The mayor, controller and chairman of the committee on ways and means of the common council shall constitute a committee for the negotiation of all loans authorized by this act, except as to any loans to be made by the controller under the authority of the common council, as above provided; and a majority of said committee shall have power to make such negotiation, subject to the approval of the common council. (As amended by Act approved June 2, 1887.)

Taxes, to what fund credited.

(§ 207.) SEC. 25. All taxes and moneys raised, received or appropriated for the purpose of any particular fund, shall be paid in and credited to such particular fund; and all taxes and moneys not raised, received or appropriated for the purpose of any particular fund, shall be paid into and credited to the general fund, or such other fund as the common council shall direct.

Moneys, how applied.

(§ 208.) SEC. 26. The moneys belonging to the several funds of the corporation, and all taxes and moneys raised, received or appropriated for the purposes thereof, shall be applied to the purposes for which said funds are respectively constituted as above, and for which said taxes and moneys are raised, received or appropriated: *Provided, however*, That if for any cause there shall be, at the end of any fiscal year, a surplus in any other than the public building fund, the district road fund for each ward, and the sinking fund, over and above the actual or estimated cost of any work for which the money of any

Proviso.

fund was specially raised, such surplus shall be transferred and credited, by the treasurer, to said sinking fund, at the end of such fiscal year, whenever there shall not be sufficient moneys therein to pay the outstanding funded debt of said city.

Surplus funds to be credited to Sinking fund, when.

(§ 209.) SEC. 27. Moneys shall not be transferred from one fund to another, and the moneys received and properly belonging to one fund shall not be credited to any other, or different fund, except to the sinking fund as above provided: *Provided*, That such moneys derived from liquor taxes as may be in the contingent fund at the end of any fiscal year, after July 1, 1884, may be placed to the credit of such fund as the common council may direct, but the controller shall have the power to divide the several funds above constituted into special funds, to defray special expenses, belonging to the same class of expenses, for the payment of which said several funds are above constituted.

Moneys not to be transferred from one fund to another.

Money from liquor taxes, how applied.

Funds to be divided.

(§ 210,) SEC. 28. The mayor, controller, treasurer and committee on ways and means of the common council and their successors in office, by virtue of their offices, shall be a board of commissioners of the Detroit city sinking fund. They shall from time to time, upon the best terms they can make, purchase or pay the outstanding debt of said city, or such part thereof as they may be able to purchase or pay, until the same be fully purchased or paid; and all bonds and evidences of debts thus purchased or paid shall be delivered to the treasurer, and shall become and be the property of the commissioners of the sinking fund, and the interest thereon shall be credited and belong to the sinking fund. The city treasurer shall endorse upon the back of all bonds so purchased by the commissioners of the Detroit sinking fund, for the benefit of that fund, the following, viz.: "Registered bonds, not transferable without the written consent of the mayor, controller and city treasurer endorsed thereon;" and whenever they cannot arrange for the purchasing or paying the said debt,

Board of commissioners of sinking fund.

Powers and duties of.

Endorsement upon bonds purchased by board, etc.

or any part thereof, they shall temporarily and until they can so arrange, invest the moneys belonging to said sinking fund in such securities, bearing interest, as they deem safe and advisable. Said commissioners shall, from time to time, and whenever requested by the common council, make report of their doings, which report shall be made to the common council, referred to and filed with the controller, and recorded by him in some proper book to be provided for that purpose. (As amended by Act approved June 2, 1887.)

Report of.

Meetings of Board, etc.

(§ 211.) SEC. 29. Said board of commissioners of the sinking fund shall be a board of the corporation, within the meaning of this act, and shall be subject to the provisions of any existing or future ordinances of said city, relative to the sinking fund. They shall meet, from time to time, for the transaction of business, and may adopt rules of proceeding at their meetings. A majority of the whole board shall be a quorum for the transaction of business, but they shall not purchase in, or pay the outstanding funded debt of said city, or invest any of the moneys belonging to the sinking fund, as above provided, except under a resolution for such purpose, passed and approved by a vote of a majority of the whole board, and by yeas and nays, to be entered of record. The mayor, or in case of his absence, some member, to be appointed by those present, shall preside at their meetings. They shall appoint one of their members Secretary of the board, whose duty it shall be to keep a true record of its doings.

Who to preside.

Secretary, his duty.

Treasurer to have custody of all moneys, etc.

(§ 212.) SEC. 30. The treasurer shall have the custody of all moneys, securities and evidences of value belonging or pertaining to the sinking fund, and shall pay out the moneys of said fund only by order of the commissioners, or a majority thereof, and upon the warrant of the controller.

Pledge for payment of money borrowed.

(§ 213.) SEC. 31. The faith and property of the city of Detroit shall remain pledged for the final payment of all bonds issued, and of all moneys borrowed by authority of, and in accordance with this or any other act of the legislature of this State.

Officers converting money, etc., to be guilty of malfeasance in office.

(§ 214.) SEC. 32. If any officer of the corporation shall, directly or indirectly, appropriate or convert any of the moneys, securities, or evidences of value, or any property whatsoever, belonging to the corporation, or any board thereof, to his own use, or shall directly or indirectly, and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value, or property may have been appropriated, raised or received, or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted, tried and convicted therefor, and on conviction, may be punished by a fine not exceeding one thousand dollars, and imprisonment in the State Prison, or Detroit House of Correction, not exceeding three years, or either, in the discretion of the court.

Punishment.

Duty of council in contracting for paving, etc

(§ 215.) SEC. 33. Whenever the common council shall order any street, or any portion thereof, to be graded, or graded and paved, or repaved, it may enter into contract for the making of such improvement according to the provisions of this charter, and after the cost and expense thereof has been ascertained, it shall cause the same, except the cost of repaving, the cost of crosswalks and of the work at the intersections of cross streets, to be assessed upon the lots and real estate herein made subject to such assessment as hereafter provided. In case of every contract for paving, the work to be performed thereunder shall be commenced and completed between the first day of May and the first day of November in each year; *Provided*, That when such paving shall not be completed at such time by reason of inclement weather, or other good cause, and from no fault of the contractor, the common council may extend the time for its completion. (As amended by Act approved June 24, 1887.)

Paving contracts to be completed, when.

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Assessment districts.

(§ 216.) SEC. 34. For the purpose of such assessment, the lots and parcels of real estate situated on said street, and fronting the portion thereof ordered to be improved, shall constitute one local assessment district, unless the common council, with a view to make the assessment more equal and just, shall subdivide the same into two or more assessment districts. Such subdivision, if made, must be done before asking bids for the work; and in no case shall a city block be divided in making such division. The work for such local assessment district shall be bid for and let separately, and such bidding and letting shall show:

Bidding for and letting contracts.

First, The cost of all paving and grading, except that of the intersection of the cross-streets and alleys, the cost of the cross-walks at such intersections, and the cost of repaving;

Second, The cost of the grading and paving of each portion of the street included within the lines of intersection of any cross-street and alleys;

Third, The cost of the crosswalks at such intersections: *Provided*, That in case where a side street merely opens upon and does not extend across the street to be paved, the space formed by extending the lines of the former street to the middle of the latter street shall, for the purposes of this act, be treated as the spaces formed by the intersection of cross streets. All necessary platforms and curbings shall, for the purpose of such assessment, be deemed to be included within the term paving. (As amended by Act approved June 24, 1887.)

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Platforms and curbing to be included.

(§ 217.) SEC. 35. The cost and expense of such improvement, except so much thereof as shall be for the work within the lines of intersection of cross streets and alleys, and for the crosswalks at such intersections, and for repaving streets, avenues and highways, shall be assessed ratably, according to their extent of front on the lots, parts

Assessments to be made ratably according to frontage.

of lots, or parcels of real estate directly fronting on and within the local assessment district; *Provided*, That if the assessment made on any such lot, or other parcel of land shall, by reason of its triangular or other irregular shape, seem to the Common Council to be inequitable, said council may direct a just portion of such assessment to be paid from the general road fund. The cost of the work within the lines of the intersection of cross streets, and also the cost of the cross-walks, shall be paid out of the general road fund. The cost of all rapaving of streets, avenues and highways of the city shall be paid out of the repaving fund. The word "front," as used in this act, shall be construed to mean that part of the lot or other parcel of land which directly abuts on that part of the street to be improved. (As amended by Act approved June 24, 1887.)

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Lots irregular in form, how paid.

Costs of intersections paid out of General Road Fund.

(§ 218.) SEC. 36. Whenever in the improvement of a street as aforesaid, any land or real estate which has not been duly platted into city blocks, or lots, shall be required to be assessed to pay any part of the cost of such improvement, the council shall designate such part or parts thereof for such assessments as shall correspond as near as practicable to the portions of the block or blocks nearest adjacent thereto, subject to like assessment, and the part or parts so designated shall be assessed as near as may be, in the manner herein provided for the assessment of lots.

Assessment of land not platted

(§ 219.) SEC. 37. The Board of Assessors shall, when necessary, proceed to make out a list of all the lots or parcels of real estate, constituting a local assessment district as aforesaid, with the name of the owner or occupant of each lot or parcel of real estate, so far as said board can ascertain the same, and also the length of front of each lot or parcel of real estate fronting directly on such improvement. Such board shall then assess the cost and expenses of the work, chargeable as aforesaid upon the property in said list, ratably upon the several lots and parcels of real estate, according to the length of front there-

Assessors to make list of land to be assessed and name of owner.

Notice of completion of rolls.

of. When the assessment roll is thus completed, said board shall give notice, by at least five publications in the city paper, that such roll is completed, and will remain in their office for twelve days from the first publication of said notice, for the inspection of all concerned. At the expiration of said twelve days, said board shall, after any needful revision and correction of such roll, sign the same and report it to the common council. Said council may then confirm the same, or

Report of rolls to council.

may, when it shall deem necessary, refer the same back to said board for further revision or corrections. And when the same shall be corrected to the satisfaction of said council, it shall, by resolution, con-

Assessment a lien.

firm the same. After such confirmation, such assessment shall constitute a lien, until paid, upon said lots or parcels of real estate, and shall be collected in such manner as may be authorized by law.

Determining cost of paving intersections.

(§ 220.) SEC. 38. When unperformed contracts for grading and paving, hitherto made, are still in force, it shall be lawful for the common council, with the consent of the contractors, to ascertain and apportion the proper cost under the contract of grading and paving the spaces at intersecting cross streets and alleys, and also the cost of

To be paid out of General Road Fund.

crosswalks, and to pay for the same out of the general road fund, and to cause the residue of the cost of the work to be assessed on the adjacent property, and collected in the manner heretofore provided in this act.

Paving alleys.

(§ 221.) SEC. 39. The common council may make such ordinances for the paving of or otherwise improving alleys in said city, and assessing property adjoining the same for paving for such improvement, as by said common council shall be deemed expedient, and the present ordinances on that subject are hereby validated and continued in force, with the same effect as if passed under this section, till the same shall be repealed or altered by the said common council.

Entertainment Fund, $2,000.

(§ 222.) SEC. 40. The common council shall have power to annually levy, assess and collect on the assessed value of all the real and personal estate in said city, made taxable by the laws of this State, a sum not exceeding two thousand dollars, for the purpose of defraying the costs and expenses of receptions, entertainments and celebrations, to be expended from time to time therefor in such manner as the common council shall, by resolution, direct.

This act not to affect other Boards, Commissions, etc.

(§ 223.) SEC. 41. This act shall not invalidate any legal act done by the common council, or any board or officer of said city, or change or affect the present term of any officer or board or commission of said city, and all ordinances, resolutions and proceedings of the common council or any board of said city now in force and not inconsistent with this act, shall remain in full force until altered, amended or repealed under this act, nor shall this act invalidate any act or law governing the several boards and commissions of said city or any law not in conflict herewith.

Paving bonds may be issued.

(§ 224.) SEC. 42. The common council in addition to the powers hereinbefore granted, shall have power, and it shall be their duty, to issue bonds upon the faith and credit of the city for the entire cost of paving any street in said city, as estimated and assessed whenever the common council shall have ordered the paving of said street and the assessments for the cost thereof shall have been duly made according to law, and the faith and credit of the city shall be pledged for the payment of the principal and interest of said bonds. Said bonds, or the proceeds thereof, should they be purchased by the sinking fund commissioners, shall be delivered to the contractor within thirty days after his completion of the pavement of said street according to specifications and its acceptance by the board of public works and the common council. (As amended by Act approved May 4, 1893.)

Bonds or proceeds delivered to contractor on completion of pavement.

(§ 224.) SEC. 43. Said bonds shall be denominated "Street Paving Bonds," and shall bear the name of the street for paving which they are issued. One quarter thereof shall be payable in one year, one quarter in two years, one quarter in three years, one quarter in four years, from the date of their issue. They shall bear interest at a rate not exceeding four per cent per annum, payable annually, and shall be for sums of not less than one hundred dollars each. The bonds made payable in one year shall have attached thereto one interest coupon, those made payable in two years shall have attached thereto two interest coupons, those made payable in three years shall have attached thereto three interest coupons, and those made payable in four years shall have attached thereto four interest coupons. They shall be regularly dated and numbered in the order of their issue, and shall be issued under the seal of the corporation, signed by the mayor and countersigned by the controller. The controller shall keep an accurate record of such bonds, the number, date and amount of each, and the person or persons to whom payable. (As amended by Act approved May 4, 1893.)

Bonds, how payable.

Interest, four per cent.

Record of bonds.

(§ 226.) SEC. 44. The assessment roll provided for in section thirty-seven of this chapter shall be made by the board of assessors in four parts, each part to contain a list of the lots or parcels mentioned in said section, with the names of the owners or occupants of each lot or parcel, and one-quarter of the cost and expense of the work shall be assessed upon each lot or parcel. Such parts of the assessment roll shall be numbered one, two, three and four, respectively.

Assessment rolls for paving to be made in four parts.

Any person so electing may have all assessments for street pavements made against the property assessed, payable on first assessment; *Provided*, That in the event of the portion of said paving tax designated as part one not being paid on or before the time the same shall become due, that there be added to such part one a penalty of

Persons assessed may elect to pay entire assessment.

five per cent of the amount of such part or portion, and that in the event of either of parts two, three or four not being paid on or before the time when they shall respectively fall due, there be added to each such parts or portions so remaining unpaid a like penalty of five per cent of the amount of such parts or portions so remaining unpaid. As amended by Act approved May 4, 1893.)

Penalty for non-payment.

(§ 227.) SEC. 45. The common council shall by ordinance provide that a sinking fund shall be created for the payment of the bonds issued for street paving, as hereinbefore provided, into which sinking fund shall be paid, from time to time as collected, the proceeds of the assessments for street paving, in such manner that said bonds shall be paid at maturity out of the proceeds of such assessments. (As (Amended by Act approved June 2, 1887.)

Street Paving Sinking Fund.

CHAPTER XII.

RECORDER'S COURT.

(§ 228.) SECTION 1. The office of recorder and the recorder's court of the city of Detroit shall continue as heretofore created and established, except as herein otherwise provided. The present recorder and associate judge of said court shall respectively continue in office until January ninth, eighteen hundred and ninety-four. (As amended by Act approved May 27, 1893.)

Recorder's Court continued

Recorder and Associate to continue until January 9, 1894.

(§ 229.) SEC. 2. On and after January ninth, eighteen hundred and ninety-four, there shall be two judges of said court, one of whom shall be the recorder elected at the election held April third, eighteen hundred and ninety-three, who shall have equal and co-ordinate powers and duties. One of said judges shall constitute a quorum for the transaction of business. They shall have the power and it shall be their duty to apportion between themselves the business of the court; *Provided, however*, That all business pending in said court on the ninth day of January, eighteen hundred and ninety-four, shall be apportioned by said judges so that said business shall, as near as may be, be equally divided between them. The said assignment and apportionment of causes and business shall not afterwards be changed except by the order of said judges upon motion made, or for good cause shown; *Provided, further*, That said judges may sit in place of each other whenever it may be deemed best. Whenever any cause matter, or proceeding, or any motion, application or other business shall be assigned to either of said judges, a journal entry thereof

Two Judges of Recorder's Court.

Powers.

Business to be apportioned.

shall be made by the clerk of the court, and the said judge shall proceed to hear, try and dispose of the business so assigned to him, with the same force and effect as if he were the only judge of said court, and subject to and with the power and authority conferred by all the rules of practice and of law applicable to said court. And thereupon said judge may proceed with the trial or hearing, or other business so assigned to him, in the principal court room, or in a separate room, attended by the clerk or one of his deputies, and by one or more members of the metropolitan police of said city, by a stenographer, and by jurymen not engaged in the trial of other causes, if it be a cause to be tried by jury, and such judge while so sitting for the transaction of business, shall have the same powers and authority as if he were the only judge of said court, and the proceedings shall be regarded as proceedings of said court had in open court and at a session thereof. No stay of proceedings shall be directed or ordered by either of said judges in any cause or proceeding, except when the order or decree under which the proceedings are sought to be stayed shall have been made by such judge, unless the order staying proceedings be entered in open court when both judges are present; and no order, except orders made in chambers, and then only by the judge making the same, shall be set aside or vacated except in open court; and no judge of said court shall review or revise any order, judgment, sentence or act of any other judge of said court, involving the personal discretion, judgment or opinion of such other judge. (As amended by Act approved May 27, 1893.)

Stay of proceedings only by Judge making order.

Record of proceedings.

(§ 230.) SEC. 3. A record of the proceedings before each of the judges shall be entered in the journal in the usual manner, the same as though the judges were sitting together, a brief memorandum being entered before or opposite each entry of the particular judge before whom the business is transacted, and the said record shall be verified by the signature of the recorder, or in his absence by the

judge present at the reading and correction thereof; and it shall be the duty of both judges to attend at the reading and correction of said record. Whenever the signature of a judge of the court shall be required to any bill of exceptions, case made, order, decree, or other evidence of proceeding, or for the approval or verification of any act, the signature of the judge or judges before whom the proceedings were had shall be deemed sufficient. (As amended by Act approved May 27, 1893.)

Signing of bills of exceptions, orders, etc

(§ 231.) SEC. 4. The recorder elected on April third, A. D., eighteen hundred and ninety-three, shall be one of the judges of the recorder's court of the city of Detroit, and shall hold said office of recorder for the term of six years from and after January ninth, eighteen hundred and ninety-four, and until his successor shall be duly elected and qualified. The additional judge provided for by this act shall be elected at the election which shall be held in said city, on the seventh day of November, A. D., eighteen hundred and ninety-three, and the person so elected shall take his office on the ninth day of January, eighteen hundred and ninety-four, and shall hold the same for the term of six years from and after January ninth, eighteen hundred and ninety-four, and until his successor shall be duly elected and qualified. Notice of the election of the recorder and additional judge shall be given by the clerk of said city in the manner prescribed by law in the case of the election of city officers, and the provisions of law relative to holding elections of city officers in said city, canvassing the votes and making the returns thereof, so far as applicable, shall apply to such election. One of the judges of the circuit court for the county of Wayne, and one of the justices of the supreme court of this State, may act as judge of said recorder's court when requested to do so by said judges, or one of them, or when the offices of both judges shall be vacant. On the first Monday in April next preceding the expiration of the terms of office of said recorder and

Recorder elected April 3, 1893.

Additional Judge elected Nov. 7, 1893.

Notice of election.

Circuit and Supreme Court Judges may act as judge.

Successors of Recorder and Judges, elected.

judge, their successors shall be elected in the same manner as that herein prescribed for the election of said judges. (As amended by Act approved May 27, 1893.)

(§ 232.) SEC. 5. It shall be the duty of the common council of the city of Detroit, to cause an election to be held to fill any vacancy in the office of recorder or judge of said court, in the same manner as is provided for filling a vacancy in the office of mayor of said city, and whenever the recorder or judge shall tender his resignation to the common council, to take effect at some future day and the same shall have been accepted, said common council may cause an election to fill the expected vacancy, which may be held between the time of said acceptance of resignation and the day when it is to take effect; *Provided*, That not less than ten days notice of such election shall be given; or such expected vacancy may be filled at any regular election occurring within thirty days after such acceptance of resignation, if said common council so order; and such recorder or judge elect shall assume the duties of the office at the time said resignation takes effect, or as soon thereafter as he is elected and qualifies. (As amended by Act approved May 27th, 1893.)

Vacancy, how filled.

Notice of election to fill vacancy.

Salaries.

(§ 233.) SEC. 6. Each of said judges shall receive from the treasury of the State of Michigan the same annual salary as may be payable to circuit judges. They shall also each receive from the treasury of the city of Detroit such additional salary as shall be sufficient, with the sum so received from the State, to make the salary of each of said judges five thousand dollars. (As amended by Act approved May 27th, 1893.)

Clerk and Deputies.

(§ 234.) SEC. 7. There shall be a clerk and two deputy clerks of said court, who shall be appointed by the recorder, and a memorandum of such appointments shall be entered upon the records of said court. Such clerk and deputy clerks shall hold their respective

offices for the term of six years from and after January sixteenth, eighteen hundred and ninety-four, and until their successors are duly appointed and qualified. The common council of said city shall have the power, and it shall be their duty whenever the business of the court so requires, to provide by ordinance for additional deputy clerks and assistants. They shall prescribe in said ordinance the terms of office, compensation and amount of bond required of such additional deputy clerks and assistants. The recorder shall appoint the additional clerks and assistants authorized by said ordinance in the same manner as is provided for the appointment of the clerk. The recorder shall have power at any time to remove such clerk, deputy clerks, and assistants for incompetence or serious neglect in the performance of their duties; and in case of such removal or of a vacancy in the said office by the death of said clerk, deputy clerks, or assistants or otherwise, the said recorder shall fill the unexpired term by a new appointment. (Amended by Act approved May 27th, 1893)

Bond of Clerk and Deputies.

(§ 235.) SEC. 8. The clerk and deputy clerks of said court each, before entering upon the duties of his office shall give a bond to the people of the State of Michigan, to be approved by the recorder, for the faithful discharge of the duties of said office. The clerk shall give a bond in the sum of ten thousand dollars; deputy clerks each in the sum of five thousand dollars. The condition of such bond shall be in substance as follows: Whereas, the above bounden ..... is the ..... of the recorder's court of the city of Detroit; now, therefore, the condition of the said obligation is such, that if said ..... shall faithfully, truly and impartially enter and record all orders, decrees, judgments and proceedings of the said court, and faithfully and impartially perform all other duties of his said office, and pay over all moneys that may have come into his hands as such ....., and shall deliver to his successor in office all the books, records, papers, seals and other things belonging to the said office,

then the above obligation to be void, otherwise to remain in full effect. (As amended by Act approved May 27, 1893.

Clerk to keep record.

(§ 236.) SEC. 9. It shall be the duty of said clerk to keep a true record of the proceedings of said court, in the proper books, to be provided therefor; to enter and record all orders, decrees and judgments, and file and safely keep all books and papers belonging to or pertaining to said court. He shall sign and seal all writs and process issuing from said court, and shall have power generally to administer oaths and take affidavits and acknowledgements, and to do all acts authorized by law to be done by clerks of circuit courts of this state, so far as the same may be applicable. He shall receive all fines and costs imposed by said court, and within a reasonable time pay the same to the county treasurer of Wayne county and take a receipt therefor, except such fines and costs as may be imposed for violations of city ordinances, which shall be received by the city attorney and by him paid to the city treasurer. He shall receive a salary of three thousand dollars per annum, which shall be payable out of the treasury of said city. (As amended by Act approved May 24, 1893.)

Powers and duties of Clerk.

Powers of Deputies.

(§ 237.) SEC. 10. The deputy clerks of said court shall have the same powers as are given to the clerk thereof, and they shall each receive such salary, not exceeding two thousand dollars, and not less than fifteen hundred dollars, as shall be voted them by the common council of the city of Detroit, which shall be payable out of the treasury of said city. (As amended by Act approved May 27, 1893.)

Jurisdiction of Court.

(§ 238.) SEC. 11. The said recorder's court shall have original and exclusive jurisdiction of all prosecutions and proceedings in behalf of the people of this state, for crimes, misdemeanors, and offenses arising under the laws of this state, and committed within the corporate limits of the city of Detroit, except in cases cognizable by the

police court of the city of Detroit, or by the justices of the peace of said city; and shall have power to issue all lawful writs and process, and to do all lawful acts which may be necessary and proper to carry into complete effect the powers and jurisdiction given by this act, and especially to issue all writs and process, and to do all acts which the circuit courts of this state, within their respective jurisdictions may, in like cases, issue and do by the laws of this state; *Provided*, That this section shall not be construed to prevent the grand jury for the county of Wayne from inquiring into and presenting indictments, as heretofore, for crimes and offenses committed within the limits of said city.

Indictments, etc.

(§ 239.) SEC. 12. All indictments for offenses committed within the limits of the city of Detroit, which may be found and presented to the circuit court for the county of Wayne, by the grand jury of said county, shall be forthwith certified and transmitted by the clerk of said circuit court to said recorder's court, and thereupon said recorder's court shall have as full and complete jurisdiction of said indictments as if the same had been originally presented to said recorder's court, and shall have full power to take all further proceedings thereon.

Prosecutions.

(§ 240.) SEC. 13. Except as provided in the preceding section, prosecutions in the recorder's court for crimes, misdemeanors, and offenses arising under the laws of this state, and within the jurisdiction of said court, shall be by information as provided for in chapter two hundred and sixty-one of the compiled laws of 1871; *Provided*, That in all cases where an information shall be filed against any person held for trial before said court, it shall not be necessary that said information be verified by oath.

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Power to let to bail.

(§ 241.) SEC. 14. Said recorder's court, the clerk, and either judge thereof, only, shall have power to let to bail any prisoner or

person charged with bailable crime, misdemeanor or offense, or who is detained as a witness in default of bail, of which the said recorder's court shall for any purpose have jurisdiction; *Provided*, That in cases where the clerk takes bail, the amount of the recognizance and the number of the sureties required, shall be the same as that fixed by the committing magistrate, or said recorder's court, or either judge thereof. Said recorder's court shall have full jurisdiction on and authority to control and enforce all recognizances lawfully taken by said court, or by the judge or clerk thereof, or by any other court, judge or magistrate, in the course of any prosecution or proceeding pending in said court, or lawfully taken by any court, judge or magistrate, to compel any person or persons to appear before said recorder's court, and there to answer and do according to the terms thereof; and whenever default shall be made in any such recognizance, such default shall be duly entered of record in said recorder's court, and thereafter said court shall, upon motion of the prosecuting or city attorney, summarily enter judgment against all parties liable on said recognizance for the full amount thereof; *Provided*, *however*, That any person against whom such judgment may have been entered shall have the right to apply to the court within twenty days after the rendition of such judgment for the vacation of the same for good and sufficient cause shown; and said court may, in its discretion, vacate such judgment on such terms as it may deem just. Execution shall be awarded and expected upon said judgment, in like manner as is provided in personal action. (As amended by Act approved May 27, 1893.)

Power to enforce recognizances.

(§ 242.) SEC. 15. Any such recognizance as is mentioned in the preceding section may be in the usual form, or may contain a further clause, authorizing said recorder's court, upon default in said recognizance, summarily to enter judgment upon the same, against the several parties liable thereon, for the full amount of such recognizance.

Form of recognizance.

Prosecuting Attorney or assistant to appear in all state cases and render account for moneys, etc.

(§ 243.) SEC. 16. The prosecuting attorney for the county of Wayne, or his assistant, shall appear and act for the people of the state of Michigan, in said recorder's court, in all cases arising under the laws of this state, and he shall render to said court, in writing, and on oath, at the last term thereof in each year, an annual account of all moneys collected or received by him as the prosecuting officer of said court.

Power to grant habeas corpus.

(§ 244.) SEC. 17. The judge of said recorder's court shall possess the same power to grant writs of *habeas corpus*, returnable before himself, and to adjudicate thereon, and do all acts in vacation touching any suit or proceeding in said court, as is now, or may be possessed by the judges of the circuit courts of the state, in matters before said circuit courts.

Judges to have like powers as Circuit Judges at chambers.

(§ 245.) SEC. 18. The judges of the recorder's court shall each have all such powers and authority at chambers touching any suits or proceedings in said recorder's court, as the judges of the circuit courts now or may have in like suits or proceedings before said circuit courts. Whenever it shall appear that upon the trial of any cause, evidence of licentious, lascivious, degrading, or peculiarly immoral acts or conduct will probably be given, the judge presiding at such trial may, in his discretion, require and cause every person, except those necessarily in attendance thereof, to retire and absent himself or herself from the court during such trial, or any portion thereof. And no person under the age of sixteen years shall be permitted at any time to remain in the court room during the trial of any cause, or portion thereof, unless such person is accompanied by one of its parents or guardians, or is required by law or the process of the court to be present or in attendance thereon. (As amended by Act approved May 27, 1893.)

Persons may be excluded from court room.

Rules and regulations how made.

(§ 246.) SEC. 19. The said recorder's court shall have power to make rules for regulating the practice, and conducting the business thereof, and to alter, amend, or repeal the same in its discretion.

Court of Record, Seal, etc.

(§ 247.) SEC. 20. Said recorder's court shall be a court of record, and have a seal, which it shall devise, and a description thereof, attested by the clerk of said court, shall be deposited in the office of the controller.

Writs, etc., to whom issued and how served

(§ 248.) SEC. 21. All writs and process, issuing from said recorder's court, on complaints under the city ordinances, or for offenses under this act, shall be directed to the superintendent or any member of the metropolitan police of said city, and may be served and executed by the officers to whom the same are directed, at any place within the limits of this State; and all writs and process, for offenses under the general laws of the State, shall be directed to the sheriff of the county of Wayne, or the superintendent or any member of the metropolital police of said city, and all writs and process shall run "In the name of the people of the State of Michigan," be sealed with the seal of the court, signed by the clerk of said court, dated on the day on which the same may issue, and tested in the name of the recorder of said city.

Recorder's Court shall have exclusive cognizance of all prosecutions under ordinances.

(§ 249.) SEC. 22. Said recorder's court shall have exclusive cognizance of all prosecutions for offenses arising under this act, or any ordinance or regulation of the common council. All such prosecutions shall be commenced by filing with the clerk of said court a complaint, in writing, in the form of an affidavit, duly sworn to before said clerk, and subscribed by the person making the complaint, and having endorsed thereon the proper jurat of said clerk; and it shall be deemed sufficient to set forth in said complaint the offense com-

Complaints to be filed with clerk.

p'ained of, according to its substance. When a complaint shall be filed as herein provided, a summons shall be issued by the clerk of said court, commanding the respondent in said complaint to appear before said court on a day therein mentioned, to answer to said complaint, and if said respondent shall fail to appear in obedience to said summons, warrants may be issued by the clerk upon the order of said court for the arrest of said respondent, who shall be committed to the jail of Wayne county to await trial upon said complaint, unless he enter into a recognizance for his appearance to answer to said complaint, in such sum, and with such sureties as said court may, by a general or special order direct. A warrant may be issued in the first instance, upon the order of said court. The trial shall be had and determined upon said complaint, and upon pleadings, which may be amended in the same manner as indictments or informations and pleading under the general laws of the state. (As amended by Act approved May 27, 1893.)

Warrants may be issued.

(§ 250.) SEC. 23. There shall be six terms of said court, which shall commence on the first Wednesday in January, March, May, July September and November, and may be continued or adjourned from time to time, as long as said court may deem necessary for the transaction of its business; and whenever, at the close of any term of said court, the trial of a cause shall be in progress, such trial shall continue until the same is determined, and the continuance of such trial shall not be construed as prolonging said term, nor to prevent the commencement of the succeeding term, previously designated as herein required. If, from any cause, the judge of the said court shall be unable to hold the same on the first day of a term, or on any other day to which said court is adjourned, the clerk thereof shall have power to open said court and adjourn it from time to time, until the

Terms of Recorder's Court.

Power of clerk to open and adjourn court.

judge shall be able to attend; and in such case all prosecutions, proceedings and matters pending in said court shall stand continued until said judge can hold said court. (As amended by Act approved June 16, 1887.)

Writ of error, etc.

(§ 251.) SEC. 24. All the proceedings of said recorder's court, at any time before or after final judgment or sentence, may be removed to the supreme court by writ of error or other process, in the same manner that like proceedings may, by law, be removed to the supreme court from the circuit courts of the State, and the supreme court shall proceed to adjudicate thereon in the same manner as on proceedings removed from said circuit court.*

City Attorney to collect fines and pay to City Treasurer.

(§ 252.) SEC. 25. It shall be the duty of the city attorney to collect all fines and penalties imposed for offenses under this act, or any ordinance or regulation of the common council of said city, which shall be reported in writing by the clerk of said court, at the close of each term thereof, to the board of aldermen, and immediately after their collection or receipt by the city attorney, shall be paid by him to the treasurer of said city.

Books and records to be inspected by whom.

(§ 253.) SEC. 26. The common council of said city and the board of auditors of Wayne county, or any committee thereof appointed for the purpose, may at all reasonable times inspect the records and papers of said recorder's court, and the clerk thereof shall give them, when requested, any information within his power or knowledge concerning such records and papers, and concerning all fines and penalties imposed by said court.

County and city liable for board of prisoners.

(§ 254.) SEC. 27. The city of Detroit shall be liable for all reasonable costs and expenses, and the board of prisoners incurred in prosecutions for offenses and proceedings in said recorder's court, arising under this act, or any ordinance or regulation of the common

*Note 10 appendix.

council of said city; and the county of Wayne shall be liable for all reasonable costs and expenses, and board of prisoners incurred in prosecutions for offenses and proceedings in said court, arising under the general laws of the State; but if there be a conviction and sentence of confinement in the Detroit house of correction of said city, for any offense now or hereafter punishable by imprisonment in the State prison, the expenses attending the confinement of the prisoner after sentence shall be paid by the State treasurer, quarter-yearly, on the certificate of the city controller that such expenses have been incurred.

House of Correction.

(§ 255.) SEC. 28. Any person liable to be imprisoned or confined under this act or any ordinance or regulation of the common council of said city, for failing to enter into any recognizance lawfully required, or by disobeying any order of said recorder's court, may be so imprisoned or confined in the jail of Wayne county, and it shall be the duty of the keeper of said jail to receive and safely keep therein all persons thus subject to imprisonment or confinement, until legally discharged therefrom.

Imprisonment.

(§ 256.) SEC. 29. Any law of this State for the safe keeping of prisoners in a county jail, or for preventing or punishing their escape, or the aiding of them to escape, or any other act detrimental to their safe keeping in a county jail, shall apply to any jail, work-house or house of correction established or provided under this act by the city of Detroit for the imprisonment or confinement of offenders, in the same manner and to the same effect as to a county jail.

Laws of State to apply.

(§ 257.) SEC. 30. Punishments not herein prescribed for offenses against this act, and for offenses against the ordinances and regulations of the common council, shall be prescribed by said common council.

Common Council to prescribe punishment.

Crimes to be prosecuted and laws of State and Circuit Court to apply, subject hereto.

(§ 258.) SEC. 31. In all prosecutions for crimes, misdemeanors and offenses arising under the laws of this State, said recorder's court shall be governed in the same manner as the circuit courts of the State are by the general laws thereof, which, so far as the same may apply, are hereby made applicable to said recorder's court, its officers and all proceedings therein, subject to the provisions of this act.

Court to try all cases unless jury is demanded.

(§ 259.) SEC. 32. Any person charged with an offense under this act, or any ordinance or regulation of the common council of said city, shall be tried by the court, unless he shall request to be tried by a jury; and if he so request, he shall be entitled to the same right of challenge, and other rights and benefits extended by law to persons on trial by a jury in criminal cases before said court, subject to the provisions of this act.

Jury list.

(§ 260.) SEC. 33. The "board of jury commissioners," as created by act number ninety-five of the session laws of eighteen hundred and eighty-seven, shall, as provided in this act, annually, or whenever required by said recorder's court, in accordance with the provisions of section six of said act, select persons to serve as petit jurors for the trial of causes in said court, and file a list thereof with the clerk of said court. The number to be selected on the fourth Monday in May of each year, as provided in said act, shall be three hundred. *Provided*, That said court may direct a different number to be returned by said board by an order to be entered upon its journal, a copy of which, certified by its clerk, shall be delivered to the president or secretary of such board at least twenty days prior to the fourth Monday in May; and said board shall thereupon return for said court the number of names mentioned in said order. (As amended by Act approved June 16, 1887.)

Proviso.

List of jurors to be filed with clerk; slips made.

(§ 261.) SEC. 34. The clerk of said court, on receiving said list, shall file it in his office, shall write the names of the persons thus selected on separate strips of paper of the same size and appearance, as nearly as may be, shall fold up each of said strips of paper in the same manner so as to conceal the name thereon, and deposit and preserve the same in a box, to be called and labeled "jury box," and the the persons whose names are thus returned and deposited in said jury box shall be liable to serve as jurors for one year, and until another list shall be selected, returned and filed with said clerk, and the names thereon deposited in said jury box in the manner aforesaid.

Old ballots to be destroyed.

(§ 262.) SEC. 35. Before depositing in said jury box the names contained in any new list, the ballots deposited therein for the preceding year shall be taken out and destroyed, and it shall be the duty of the judge of said court to attend and be present with the clerk when the ballots containing the names of persons to serve as jurors are deposited in the said jury box or taken out to be destroyed.

Provision for drawing a jury for any term.

(§ 263.) SEC. 36. At least ten days before any term of said recorder's court, at which jury trials may be had as above provided, the clerk of said court shall draw from the jury box the name of as many persons as the said court may deem necessary, not less than twenty-four nor more than fifty, to serve as petit jurors in said court. At least two days before such drawing, the said clerk shall give notice to the judge of said court and to the sheriff of the time when such drawing shall take place.

Notice of.

Judge and Sheriff to witness drawing of jury.

(§ 264.) SEC. 37. At the time so appointed it shall be the duty of said judge and of the sheriff or under sheriff of Wayne county to attend at the clerk's office and witness said drawing of jurors, and if neither said judge, sheriff or under sheriff be present at the appointed time, the clerk may adjourn such drawing to some certain hour on the next day, of which adjournment he shall forthwith give notice to said judge and sheriff.

Drawing of jury.

(§ 265.) SEC. 38. If at the time first appointed for such drawing, or at the adjourned time therefor, either said judge, sheriff or under-sheriff shall be present, the clerk shall proceed in such drawing, as follows: He shall shake the jury box so as fairly to mix the slips of paper deposited therein, shall then draw from said box publicly, and in the presence of the officer or officers attending, as many strips of paper containing the names of jurors written thereon as may have been ordered by said court; and one of the attending officers shall keep a minute of such drawing, in which he shall enter the name on every strip of paper drawn before any other such strip be drawn. If, after drawing the whole number required, the name of any person shall appear to have been drawn who is insane or dead, or has removed from the city of Detroit, or is otherwise incompetent to the knowledge of said clerk or any attending officer, an entry of such fact shall be made on the minute of the drawing, the strip of paper containing his name shall be destroyed, and another name shall then be drawn in the place of that destroyed and entered on the minute of the drawing, and like proceedings shall be had as often as necessary until the whole number of jurors required shall be drawn.

Incompetent persons.

Minute of drawing to be signed.

(§ 266.) SEC. 39. The said minute of the drawing shall then be signed by the clerk of said court and the attending officers, and filed by the clerk in his office, and he shall immediately make out a *venire facias* and deliver the same to the sheriff of Wayne county, which shall command him, or any of his deputies, to summon the persons therein named, to be and appear in said court at the term thereof for which they were drawn, to serve as petit jurors, and not depart the same until discharged, under such penalty as the court may impose.

Venire facias.

Venire facias, how and when served.

(§ 267.) SEC. 40. Said *venire facias* shall be served at least three days before the term of the court therein specified, by giving personal notice to each person therein named, or by leaving a written

notice at his place of residence with some person of proper age; and return thereof shall be made to said court at its opening, specifying those who were summoned and the manner in which each person was notified.

(§ 268.) SEC. 41. Said court shall impose a fine on each person duly summoned to attend as a juror who shall, without reasonable cause, neglect to attend, not exceeding five dollars for each day's non-attendance and neglect, but all persons who, under the general laws of the state, are exempted or may be excused from serving as jurors in the circuit courts, shall be exempted and may be excused from serving as jurors in said recorder's court.

Fines for non-attendance of jurors.

(§ 269.) SEC. 42. The clerk of said court shall destroy the ballots of all persons who shall attend and serve as jurors, or who shall be excused from serving as jurors on the ground of being exempted by law from such service, and the ballots of persons who did not appear and serve, which shall not have been destroyed, shall be returned to the jury box.

Ballots to be destroyed.

(§ 270.) SEC. 43. Whenever, for any cause, petit jurors shall not have been drawn or summoned to attend any term of said Recorder's Court, or a sufficient number of qualified jurors shall fail to appear, such court may, in its discretion, order a sufficient number of petit jurors to be forthwith drawn from said jury box and summoned to attend such court.

If jurors not in attendance court may order a number to be drawn.

(§ 271.) SEC. 44. The sheriff, on receiving a list of jurors drawn, pursuant to the preceding section, shall proceed as soon as possible to summons such jurors forthwith to attend such court, and make return to said court of his doings in the same manner as in the case of a *venire facias*.

Sheriff to summon juror

(§ 272.) SEC. 45. When there shall not be jurors enough present to form a panel in any case, said court may direct the officer in at-

By-standers.

tendance on said court to summon a sufficient number of persons having the qualifications of jurors to complete the panel from among the by-standers or the neighboring citizens, and such officer shall immediateiy summon the number so ordered and return their names to said court.

Annual report of clerk.

(§ 273.) SEC. 46. The clerk of said court, on the first day of January in each year, or as soon thereafter as practicable, shall make to the board of aldermen a report in writing, duly certified by him, showing the whole number of prosecutions by information or indictment, which number shall be also classified by the name or description of the offense; the whole number of prosecutions for offenses against this act or the ordinances and regulations of the common council, which shall be also classified in like manner, so far as practicable; the whole number of prosecutions, convictions, acquittals, cases dismissed and discontinued, and cases pending; the whole number of sentences passed; the whole number punished by fines and penalties; the whole number punished by imprisonment and confinement, which shall also be classified according to the prison, jail or other place of imprisonment or confinement; and the whole number held to bail for good behavior and to keep the peace; and said report shall be published in such manner as the said board shall direct.

Stenographers

(§ 274.) SEC. 47. There shall be two stenographers of said recorder's court, who shall be appointed by the recorder, and the persons so appointed shall be deemed officers of the court, and it shall be their duty to attend at each session thereof, and to take full stenographic notes of the testimony and of the charge of the court in all cases tried in said court, unless otherwise ordered by the judges thereof. And in case a judge shall so order, they shall make without extra compensation, a legible transcript of their notes, which shall be filed by the clerk and preserved as part of the files in the cause, sub-

Duty of stenographers

Shall make a legible transcript of their notes.

ject to the inspection and use of all parties interested. They shall each receive an annual salary not exceeding two thousand dollars, and not less than twelve hundred dollars, to be fixed by the board of auditors, and which shall be paid in monthly installments out of the county treasury. Said stenographers shall be entitled, except as herein otherwise provided, to the same fees for making a transcript of the testimony and charge of the court in any case, as shall be allowed by law to the stenographer of the circuit court for the county of Wayne for like service. (As amended by Act approved May 27, 1893.) Salary.

(§ 275.) SEC. 48. In cases of sickness or temporary absence of a stenographer, the recorder may appoint some competent person to act in his stead, who, while so acting, shall be paid out of the county treasury such sum as the court shall allow. (As amended by Act approved May 27th, 1893.) Sickness of stenographer.

(§ 276.) SEC. 49. This act shall not be construed to repeal or in any way affect any of the provisions of act 479 of the session laws of 1871, entitled "An act to establish a police government for the city of Detroit," relating to attendance by members of the metropolitan police on said court and the service of process issuing therefrom. Act not to affect Police Court act.

(§ 277.) SEC. 50. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed. (Approved June 7, 1883. Ordered to take effect July 1, 1883.)

ASSOCIATE JUDGE OF THE RECORDER'S COURT.

Associate Judge of the Recorder's Court.

(§ 278.) AN ACT to provide for an associate judge of the recorder's court of the city of Detroit, and to authorize the governor of the state to fill any vacancy therein.

Manner of election.

(§ 279.) SECTION 1. *The People of the State of Michigan enact*, That there shall be an associate judge of the recorder's court of the city of Detroit, who shall be elected in the same manner as is provided by law for the election of recorder.

Term of office.

Powers and duties in case of vacancy in office of recorder.

(§ 280.) SEC. 2. He shall hold his office until the second Tuesday of January, A. D. eighteen hundred and ninety-four. If a vacancy shall occur in the office of recorder, he shall perform all the duties and shall have all the powers and authority of said recorder. No election shall be held to fill said office of associate judge at or after the expiration of the present term of the recorder of said court.

He shall act as judge in absence of recorder.

(§ 281.) SEC. 3. He shall, in the absence or during the inability for any cause of the recorder to perform the duties of his office, act as judge of the recorder's court of the city of Detroit.

Annual salary.

(§ 282.) SEC. 4. He shall receive from the treasury of the city of Detroit an annual salary of three thousand dollars.

Vacancy, how filled.

(§ 283.) SEC. 5. Upon the taking effect of this act a vacancy in said office of associate judge shall be deemed to exist, and the governor of the state is hereby authorized to appoint some suitable person to fill such vacancy, and such appointee shall hold his said office, until his successor is elected and duly qualified. Said successor shall be elected at the next ensuing charter election of the city of Detroit. This act is ordered to take immediate effect. (Approved May 25, 1889.)

CHAPTER XIII.

PUBLIC LIGHTING COMMISSION.

AN ACT to amend an act, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June 7, 1883, by adding a new chapter thereto.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June 7, 1883, be and the same is hereby amended by adding a new chapter thereto to be known as chapter thirteen, to read as follows:

CHAPTER XIII.

(§ 284.) SECTION 1. There shall be a board of commissioners in said city known as the public lighting commission. Said commission shall consist of six members, who shall be appointed by the mayor and approved by the common council. The first appointment of members of this commission shall be made at the next meeting of the common council after this chapter shall have become operative, and the first appointments shall be made for the terms respectively of one, two, three, four, five and six years, and the members so appointed shall hold office until their successors are appointed and shall have qualified. Their successors shall be appointed at the termination of said respective terms for the term of six years. Said commissioners shall take and file in the office of city clerk the oath of office pre-

Public Lighting Commission. Their appointment.

scribed for city officers, and shall then enter upon the performance of their duties. They shall appoint their president and secretary, who shall perform the duties usually appertaining to such offices and such as shall be prescribed by said board. The president of said board shall be *ex-officio* a member of the board of estimates. Said board of commissioners shall have authority to call upon the city surveyor for any service they may require in making maps or diagrams of locations of lights and wires within the city limits, and the city clerk and board of public works shall furnish them such information as they may require for the proper discharge of their duties.

City may contract or establish lighting plant.

(§ 285.) SEC. 2. The said city may contract for the lighting of public buildings, streets, avenues, parks, public grounds and places for any period not exceeding three years. It shall have power to procure lands, and purchase or construct the necessary buildings, engines dynamos and other machinery, tools, lamps, lines, conduits, poles, towers and other apparatus and appliances, constituting a plant for lighting the said city by electricity, or by any other means or system, and if the common council deem it desirable it may purchase towers, poles, wires, lamps and other appliances, and cause lines of wire to be constructed, the use of which it may let to any person or corporation contracting to light said city. It shall also have power to lay pipes and conduits in the highways, alleys and public places, for gas or electric light wires, and to erect in the highways, alleys, and public places, poles, towers or posts for wires or lamps, and to place, construct and maintain the necessary lines of wires, either below or above ground, in the highways, alleys or public places; *Provided*, That nothing in this act shall be construed as granting said municipality or said board the right to engage in the business of private or commercial lighting.

Contracts for lighting.

(§ 286.) SEC. 3. If the common council shall determine to contract for lighting, it shall by resolution direct the public lighting com-

missioners to enter into a contract for lighting said city, either by electricity or by such other means as it may determine, for a period of time to be mentioned in such resolution. It shall thereupon be the duty of said commissioners to prepare specifications and advertise for proposals for a period of not less than five days, and enter into a contract in behalf of said city with the lowest responsible bidder, for lighting said city by such means as are specified in such resolution; *Provided*, It shall be competent for the commissioners to contract for lighting the public buildings and any part or portion of the city by different means or systems.

Council may direct Commissioners to establish plant.

(§ 287.) SEC. 4. If the common council shall determine that it is advisable to establish a plant for public lighting, to be owned by the city, it may direct said commissioners to purchase the necessary lands, machinery, wires, poles, lamps, towers and other apparatus and appliances mentioned in the first section of this chapter, the cost of which shall not exceed eight hundred thousand dollars. And it shall thereupon be the duty of said commissioners to carry into effect the authority thereby conferred, and to make the necessary purchase of lands, machinery, engines, tools, lamps, apparatus and appliances, and construct the buildings required, and cause to be constructed or laid all necessary conduits and lines of wire below ground, and to erect and construct all necessary poles, towers, posts, lines of wire above ground, which they shall deem necessary or required according to such system or systems, as they shall deem best for the lighting of said city.

City electrician, superintendents, clerks, etc.

(§ 288) SEC. 5. The said commissioners may employ an electrical engineer who shall be known as the city electrician, and such other superintendents, engineers, clerks, agents and subordinates under them as may be necessary to carry into effect the provisions of this chapter, regulate and define their duties and prescribe their compensation.

Establishment of plant to be submitted to electors.

(§ 289.) Before the common council shall direct said commissioners to establish a plant as herein provided, it shall by resolution submit to the electors of said city, to be voted upon by said electors, the question, as to whether the authority hereby conferred shall be exercised. The proposition shall be stated upon the ballots to be printed by the election commissioners, in the following form: "For a city lighting plant—Yes," and the same words repeated followed by the word "No;" and any elector may vote for or against said proposition by making a cross opposite said word "Yes" or "No," respectively. The votes upon said proposition and for and against the same, respectively, shall be certified, returned and canvassed by the board of city canvassers in the manner now provided by law for certifying, returning and canvassing votes cast for city officers. And if a majority of the electors voting thereon in said city shall vote in favor of said proposition then the authority hereby conferred may be so exercised; otherwise the same shall not be so exercised. Notice shall be given by the city clerk by publication in four or more newspapers of the election to vote upon said proposition at least five days before the election.

Commissioners to have charge of public lighting.

(§ 290.) SEC. 6. The said commissioners shall have a general supervision and management of all public lighting, and of any plant established by the city, as herein provided for that purpose, and all employes engaged in or about the construction or operation thereof, provided that after the adoption by them of plans and specifications for the erection of any buildings, the board of public works shall have the immediate supervision or superintendence of construction thereof, and also of the laying of conduits in the public streets and of the necessary excavation, refilling and repaving caused thereby.

Power to raise moneys by tax or bonds.

(§ 291.) SEC. 7. The said city may raise by tax the necessary funds to provide for the public lighting and for the purpose of providing for the construction of the public lighting plant, as herein

provided, may raise moneys by tax or issue the bonds of said city, payable at such time and in such amount and at such rates of interest as the common council may determine, subject, however, to the approval of the board of estimates as provided by section 4, chapter 8, of the act number 488 of the public acts of 1887. It shall also have power to issue bonds in like manner or raise moneys by tax for the purchase or construction of conduits, wires, posts, poles, towers and lamps, for use by any party or parties contracting for the public lighting as herein provided.

Contracts, not let in excess of funds authorized.

(§ 292.) SEC. 8. No contract shall be let nor any purchase be made of any lands or property requiring the payment of any money, nor shall any moneys be paid for public lighting in excess of the tax levied for that purpose, or of moneys raised by issuing bonds as herein provided.

Commissioners to have supervision of all electric lighting wires, etc.

(§ 293.) SEC. 9. The public lighting commissioners shall have the supervision of the construction of all the electric lighting lines of wires in said city whether owned by the city or by other parties, and of all connections made with any building or buildings, and no such wires or lines of wires shall be placed, laid, erected or constructed, nor shall any pole or post or conduit be laid, placed or constructed for such lines, nor any connection made with any building or buildings, except under such general regulations as they from time to time may adopt. They may prescribe the limits of the district or districts of said city, within which it shall not be lawful to erect poles and train wires for such lines above ground in any street or highway, and they may prescribe or determine the other street or streets in which it may be lawful to erect or construct such lines of wire above ground. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be punished accordingly.

Council may adopt ordinances.

(§ 294.) SEC. 10. The common council shall have power to adopt ordinances not in conflict herewith, to carry out the provisions of this chapter and to regulate the use of electricity for lighting purposes in said city, and the training or using of wires therefor, and to regulate or prohibit the erection of poles in the streets of said city for such wires, or the training thereof.

Breaking or injuring machinery, wires, etc., a misdemeanor.

(§ 295.) SEC. 11. Any person who shall cut, break, injure or destroy any building, engine, dynamo or other machinery, or appliances, poles, posts, towers, lamps, wires or conduits erected, constructed or used for the public lighting of said city, whether owned by the corporation or by any party or parties contracting for the lighting of said city, with intent to prevent or interrupt the lighting of any public building, or any part or portion of said city, shall be deemed guilty of a misdemeanor, and shall be punished therefor by a fine of not less than twenty-five dollars nor more than one thousand dollars, or by imprisonment not exceeding two years, or by both fine and imprisonment in the discretion of the court, and proof that the act was willful shall be *prima facie* evidence of such intent. (This Act is ordered to take immediate effect. Approved March 18, 1893.)

CHAPTER XIV.

LAW DEPARTMENT.

AN ACT supplemental to the charter of the city of Detroit, and to provide for a law department in said city.

(§ 296.) SECTION 1. *The People of the State of Michigan enact:* That there is hereby established an executive department of the municipal government of the city of Detroit, which shall be known as the department of law, and shall embrace the city counselor, the city attorney, one chief assistant to each and such other assistants clerks and subordinates as the common council shall see fit to prescribe and establish. The common council shall provide proper offices, fuel, lights and all necessary books, blanks, stationery, etc., for the use of said department.

Law department; how constituted.

Council to provide offices, etc.

(§ 297.) SEC. 2. The city counselor shall be a practicing attorney, appointed as provided in this act. He shall have practiced his profession for at least five years, and shall devote his whole time to the duties of the office. He shall be appointed by the mayor on or before the third Tuesday in June for the term of three years from the first day of July next succeeding his appointment.

City Counselor, how appointed; term of office.

(§ 298.) SEC. 3. The city counselor and the city attorney shall, each, before entering upon the duties of his office, execute bonds to the city of Detroit in the sum of five thousand dollars, with such

City Counselor and Attorney to execute bonds.

sureties as the common council shall approve, conditioned for the faithful performance of the duties of his office.

Salary of City Counselor.

(§ 299.) SEC. 4. The city counselor shall receive an annual salary of five thousand dollars, payable in monthly installments.

Powers and duties of Law Department.

(§ 300.) SEC. 5. The city counselor shall be the head of the department of law, and he shall superintend and conduct all the law business of the city and its departments, excepting that of the board of police commissioners, conduct all suits brought by or against the city, or any board thereof excepting the board of police commissioners; the city attorney shall have charge of and conduct all prosecutions for violations of the ordinances of the city, all proceedings for the opening of streets or alleys, all proceedings for the condemnation of lands, and other proceedings in the recorder's court and appeals therefrom, and either of said officers shall draft all such ordinances as may be required by the common council or a committee thereof, and prepare such leases, deeds, contracts or other papers as may be required by the common council or by any department of the city government, excepting the board of police commissioners. It shall be the duty of the city counselor to act with the city attorney in any of said matters when so requested.

Department to furnish opinions.

(§ 301.) SEC. 6. The law department shall, when required, furnish written opinions upon all subjects submitted by the common council, by the mayor, or by any board or head of any department of the city government, excepting the board of police commissioners.

Assistants to Counselor and Attorney.

(§ 302.) SEC. 7. The city counselor and city attorney shall appoint their respective assistants, clerks and subordinates as may be authorized by the common council. In case of the disability or absence of the city counselor or city attorney the chief assistant shall have charge of the business of said department, and in case of a vacancy in the office of city counselor or city attorney the chief as-

sistant shall perform the duties of such office until the vacancy be filled.

Books, etc., to be delivered to successor.

(§ 303.) SEC. 8. Upon the expiration of the term of office of the city counselor and of the city attorney or their resignation thereof, or removal therefrom, such officer shall forthwith on demand deliver to his successor in office all deeds, leases, contracts and other papers and books in his hands belonging to the corporation, or deliver (delivered) to him by the corporation of any of its officers, and all papers in actions prosecuted or defended by him, or which are pending and undetermined.

Annual report of City Counselor.

(§ 304.) SEC. 9. The city counselor shall annually, on or before the first day of July in each year, report in writing to the common council of all suits instituted and pending in the courts of record in which the city of Detroit is a party, in which report shall be stated the names of all defendants and plaintiffs, the nature of the actions, the date of the commencement and the several steps that may have been taken in court during his term of office to bring such suits to final issue, to be accompanied with such explanatory remarks as said officer may see fit to append, to the end that the council may be kept more fully advised as to the legal affairs of the city. He shall also attach to his said report a list of all such cases as may have been disposed of during his term of office, and subsequent to his last report, together with their results.

Officers, boards, etc., not to employ attorneys.

(§ 305.) SEC. 10. No officer, department or municipal board, unless with the consent of the common council, shall have or employ any attorney or counsel, but it shall be the duty of the law department to furnish to every department, officer and municipal board, except the board of police commissioners, such advice and legal assistance, as counsel or attorney in or out of court, as may be required by such officer, department or board.

Police department to furnish detectives on request.

(§ 306.) SEC. 11. It shall be the duty of the superintendent of metropolitan police to detail on request of the city counselor of one or more detectives for service as may be required in connection with the business of said department.

Duty of officers on whom papers served to deliver to Counselor.

(§ 307.) SEC. 12. It shall be the duty of any officer upon whom any process or other paper may be served in any cause commenced or pending against said city, to immediately transmit such process or paper to the city counselor, who shall inform the common council of the pendency of the suit or proceeding, and unless otherwise directed by the council he shall appear in such suit or proceeding in behalf of the corporation, and if a judgment or decree be entered therein he may cause an appeal or other appropriate proceeding to be taken to remove such cause to the appellate court if in his judgment the interests of the city so require.

Counselor may appeal causes.

City not required to furnish appeal bonds.

(§ 308.) SEC. 13. Whenever an appeal shall be taken in any cause, or a writ of error issued in any suit brought against said city of Detroit, it shall not be necessary in order to perfect said appeal, or to stay proceedings upon any judgment, for the corporation to execute any bond or other undertaking, but there shall be the same right to sue and recover against the said city the same damages that the appellee would have had had an undertaking or bond been executed by the corporation in such cases. The appeal shall be deemed to have been perfected when a claim or notice of such appeal shall have been filed and notice thereof given to the appellee or his solicitor or attorney. This Act is ordered to take immediate effect. (Approved June 1, 1893.)

CHAPTER XV.

BOARD OF PUBLIC WORKS.

(§ 309.) SECTION 1. *The People of the State of Michigan, enact,* There shall be appointed by the common council, on nomination of the mayor, on the last Tuesday of December following the passage of this act, three persons, freeholders and electors of the city, who shall constitute a board to be known and designated as the Detroit board of public works.* Such persons shall hold their office for the term of two, three and four years, respectively, from the third Tuesday in January, eighteen hundred and seventy-four, which terms shall be determined by lot in the manner to be prescribed by ordinance for drawing lots. Each succeeding member, so appointed by the council, shall be nominated and appointed in like manner on the second Tuesday in January preceding the expiration of the term of office of any member whose term will next expire, and for the term of four years. Each member of said board shall receive such salary per annum as the common council may from time to time establish. Each member shall devote his entire time to the performance of his official duty, and for any failure or neglect to do so, or for any other cause deemed sufficient, may be removed from office in the same manner as other elective officers of the city are removed by the common council. The members of said board shall give bonds in the sum of twenty thousand dollars each, with sureties to be approved by the common council of the city of Detroit. The said board shall elect one of its own members president thereof. All vacancies in said board, whether by expiration of term of service or otherwise, shall be filled by the appointment of the mayor, and be confirmed by the common council.

Appointment of members.

Term of office

Salary: vide—People ex rel. Alex. Chapaton vs. Common Council; January term, 1878.

Bond to be given.

President of Board; how elected.

*See note 11 appendix.

City Engineer; how appointed.

(§ 310.) SEC. 2. As soon as practicable after the members of said board shall have been appointed and qualified, they, together with the members of the board of water commissioners for said city, shall meet together and appoint a city engineer, who shall hold his office for the term of four years, or until his successor shall have been appointed and qualified, and whose duty it shall be to perform all the duties heretofore required of the city surveyor, not in conflict with this act; all civil engineering, and any duty that may be required of him by said board, or by said board of water commissioners, or by any resolution or ordinance of the common council; and he shall devote his entire time to the performance of his official duties. The members of said board of public works and of said board of water commissioners may jointly fix the compensation of said engineer and of such assistants as may be authorized by them; and who shall be appointed by them, on the nomination of the engineer; and they shall determine the portion of such compensation to be paid by the city, subject to the approval of the common council, and the portion to be paid by the board of water commissioners; and they shall also make such general regulations that the duties of said engineer and assistants, in respect to the requirements of said boards respectively and the city generally, shall not conflict. They may remove any of said assistants at any time, and may remove the city engineer for incapacity, neglect of duty, or any of the causes for which the city controller might be removed from office by the common council.

Duties of Engineer.

Compensation, etc.

Removal of Engineer, etc.

No member of Board to accept a nomination to an elective office.

(§ 311.) SEC. 3. Any one of the said board of public works, who shall, during his term of office, accept or hold any office, elected by the people, or who shall, during his term of office, be publicly nominated for any office elected by the people, and shall not, within ten days succeeding the same, publicly decline the said nomination, shall be, in either case, deemed thereby to have resigned his position and to have vacated his office.

(§ 312.) SEC. 4. The board of public works shall prepare, as soon as may be, a general plan of laying out into streets and alleys, all such portions of the territory now or hereafter lying within the corporate limits of the city as shall not already be laid out, approved and platted at the time of the taking effect of this act; or without the city limits, and within two miles thereof, when directed by the common council, and may enter upon land for that purpose. If approved, they shall endorse their approval on all plats of such streets and alleys, and no private plan shall be allowed or permitted which does not conform thereto, and no plat shall hereafter be recorded or be of any validity, unless before such record the approval of said board shall be duly endorsed thereon.* Before accepting and approving any such plat, the said board of public works shall require that there be filed in their office a certificate from the proper authorities, showing that all back taxes on property included in said plat shall have been paid in full. Said board shall not have power to change such plats when once approved and adopted by them, unless authorized so to do by a resolution of the council, passed by a three-fourths vote of the members elect; *Provided*, That all streets and alleys shall be laid out so as to conform as nearly as may be to the lines of streets and alleys now opened. (As amended by Act approved April 18, 1883.)

Board shall prepare general plan of streets and alleys within city limits.

Also, *without* city limits, and within two miles of same.

Private plans shall conform thereto.

No plats valid or permitted to be recorded unless approved by Board.

Certificate that taxes are paid to be filed.

Plats may be changed by three-fourths vote of council.

Streets and alleys to conform to present lines.

(§ 313.) SEC. 5. They shall establish a system of grades for all streets and alleys within said corporate limits, and when once established, no grade shall be changed except by resolution of the council, as above provided

To establish a system of grades.

(§ 314.) SEC. 6. They shall establish a system of sewers for the entire city, and cause to be designated on said plats the streets through which the same are to be constructed; and no street shall be paved until the sewer to be constructed through the same shall be

A system of sewers.

*Note 12 Appendix.

Proviso.

completed so far as the pavement is to extend: *Provided*, That all sewers, water pipes, gas pipes, and all connections, be made and completed at least one year before such paving is ordered to be done.

Connections to be made.

(§ 315.) SEC. 7. Said board may require, before any street is paved, that the gas pipe shall be laid therein and connections made to the curb in front of each lot. If any gas company refuses to lay said pipe when required by said board, they may prohibit the laying of such pipe in such street after the street is paved.

Duties of Board as to grading, etc., of streets.

(§ 316.) SEC. 8. The board of public works shall supervise the grading and paving of all streets, avenues, alleys and public grounds; the cleaning, working, repairing and improving of all streets, avenues, alleys and public places, and also the construction, altering and repairing of public wharves, docks, bridges, culverts, receiving basins, sewers and water courses within said city; the improvement and ornamentation of all parks and public grounds within the city;

Proviso.

Provided, That this act shall not be construed so as to repeal an act entitled "an act supplementary to the charter of the city of Detroit, relating to a public park or other public grounds for the use of said city," approved April 15, 1871, and the acts amendatory thereof, or in any way interfere with any of the powers or duties of the board of park commissioners in relation to any park or public grounds laid out or established by virtue of said acts; the laying of all gas or water pipes through any street or alley; the construction of all sewers and drains; and no person shall make any connection therewith without the consent of said board, and under such general rules and regulations as the board may adopt. Said board shall also have the supervision and

Erection of lamp posts.

the control of the erection of all lamp posts, and may order the erection of the same at such places as the same may from time to time be needed.

(§ 317.) SEC. 9. It shall supervise the laying down of all sidewalks and crosswalks; the construction of all vaults under any portion of said streets; the erection of all public buildings and works of the corporation, or any board thereof, within or without the city, excepting such buildings and works as may by law be under the supervision of the board of water commissioners, and may stop the work thereon when the same is not being done according to the contract thereof; *Provided, however*, That this clause shall not be construed to give the board any right to interfere or change the plans or specifications of such buildings or works, nor authorize them to demand any variation therefrom. Sidewalks, etc. Construction of public buildings. Proviso.

(§ 318.) SEC. 10. When the construction of any building or work of the corporation shall require peculiar skill, the common council may, by resolution, authorize the board to employ a competent person to superintend the same at a compensation not exceeding a sum to be stated in said resolution. Power to employ skilled workmen in certain cases.

(§ 319.) SEC. 11. The board of public works shall have the entire charge and control of the street cleaning, repairs of paving, and building of wooden crosswalks in the city of Detroit. They shall advertise, in the month of February of each year, for proposals for cleaning and working the streets, alleys and public places, repairing paved streets and crosswalks and the building of wooden crosswalks for the term of one year. For this purpose they may receive proposals for the whole of the above mentioned work, or may receive proposals for doing the same by wards or districts, as they may determine; and they shall let the work to the lowest responsible bidder, who shall give adequate security for the performance of his contract: *Provided*: That they may reject all the proposals made. The board shall not change the boundaries of said district after advertising as above provided. If, in their opinion, the interests of the city require, they may employ laborers to clean and work the streets by the day or Duties of Board in relation to street cleaning, etc. Proviso.

To report estimates.

month, as they may deem best. The board of public works shall report to the controller of the city of Detroit, in the month of February of each year, an estimate of each of the sums required for working or cleaning of streets, repairs of paved streets and crosswalks, building of wooden crosswalks in each ward of the city of Detroit; also for the repair or construction of public wharves, docks, bridges, platforms, culverts, receiving basins, sewers, public drains, buildings, lamp posts, and drinking or ornamental fountains, erected by the city or said board, and of all the public works to be carried on under their supervision during the fiscal year, or for any other of the purposes for which money may be expended under the provisions of this act. The sum required for each ward for working or cleaning of streets, repairs to street pavements or crosswalks, shall be levied and assessed as the present ward road tax is assessed, in accordance with the charter and ordinances of the city of Detroit. (As amended by Act approved April 18, 1883.)

Repairing public wharves, etc.

Assessments for cleaning and repairing streets.

All public improvements to be first referred to the Board.

(§ 320.) SEC. 12. When any public improvement, except the opening of public streets, or public work is proposed, the common council shall, before proceeding with the same, refer the matter to said board of public works, and the board last named shall forthwith proceed to examine the same, and shall, as soon as practicable, report thereon to the common council, giving detailed estimates of the costs of such works or improvements, if any costs there will be, and shall make such recommendation as said board of public works may deem expedient.*

Power to employ Superintendents, etc.

(§ 321.) SEC. 13. The said board shall have power to employ superintendents, clerks, surveyors, a secretary, and and such other persons as may be necessary to enable them to perform their duties under this act, and to specify the duties of such persons so employed,

*Note 13 appendix.

and to fix their compensation, as shall be, from time to time, determined by the council, and shall have power to adopt such rules and regulations for its own and the government of its employes as they may deem necessary and expedient to effect the purposes of its organization, and also to remove any person so appointed at its pleasure.

All work done by Board to be reported to council.

(§ 322.) SEC. 14. All work done under the supervision of said board shall be reported to the common council from time to time, and no money shall be paid out of the treasury on account of any work so done until the common council shall have instructed the controller to draw his warrant therefor.

No moneys to be paid out except on warrant of Controller.

Other powers.

(§ 323.) SEC. 15. Said board shall also exercise such other powers and perform such other duties in the superintendence and construction of public works, improvements and repairs constructed by authority of the council, or owned by the city, as the council may from time to time direct.

Classifying of work, etc.

(§ 324.) SEC. 16. It shall be the duty of said board to classify or divide the various works or interests under their control into departments, as far as may be, and keep an accurate account of the costs of each branch, showing the amounts expended for original improvements or construction, and the amounts for repairs, superintendence and other expenditures, exhibiting the source of expenditure; and it shall be the duty of the said board to make a report to the common council of said city annually, in the month of June, which shall embrace the said expenditure of the different branches or departments of work under their control, and the said report shall also embrace a statement of the condition, progress and operation of the works; and the said board shall also have charge and control of the streets, parks and public grounds of said city, and may, by printed rules and orders, approved by the common council, regulate the use

Annual report of Board.

Control of streets, parks, etc.

Proviso.

of the same, and provide for planting ornamental trees thereon; *Provided*, That nothing herein shall be construed to authorize said board to devote any more of a public street to ornamental trees than such as is not required or used for road and sidewalk purposes. (As amended by Act approved April 18, 1883.)

Members of Board not to be interested in contracts.

(§ 325.) SEC. 17. No member of said board shall be interested, either directly or indirectly, in any contract entered into by them with any other person; nor shall they be interested, either directly or indirectly, in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act.

Removal of members.

Any member of said board may at any time be removed by a vote of two-thirds of the members elected to the common council of said city for sufficient cause, and the proceedings in that behalf shall be entered in their journal; *Provided*, That the said common council shall previously cause a copy of the charges prepared against such member sought to be removed, and notice of the time and place of hearing the same, to be served on him ten days at least previous to the time so assigned, and opportunity to be given him to make his defense.

Proviso.

Grading and paving; how done.

(§ 326.) SEC. 18. The paving and grading of all streets, alleys or public places, ordered by the common council, shall be done under the supervision of the board of public works, and upon contracts and under specifications to be prepared by such board and aproved by the common council; and all moneys appropriated by the common council for such purposes shall be expended by the said board, and paid from the appropriate fund provided by the common council therefor.

Erection of public buildings.

In the erection of public buildings and paving of streets, and construction of sewers, the board shall advertise for proposals to execute the work according to plans and specifications, and the board may contract with the lowest responsible bidder; *Provided*, It shall be at their option to reject all proposals made.

(§ 327.) SEC. 19. Said board shall have power to issue permits for building and for use of the highways for such purposes, under such regulations as the common council may prescribe by ordinance. Before any building shall be used or occupied as a place of amusement or for any kind of public gatherings, excepting churches, a permit from said board shall be obtained, which shall not be granted until said board shall be satisfied that such building is safe in its construction for such use, and as to facilities for ingress and egress, in case of fire or accident. Any person using or permitting any building to be used for such purpose, without first having obtained such permit from said board, shall, on conviction, be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding six months in the Detroit house of correction, or by both fine and imprisonment in the discretion of the court.

Permit to use streets temporarily.

Inspection of buildings, etc.

Penalty for allowing building to be used without permit.

(§ 328.) SEC. 20. The offices of street commissioners, overseers of highways, city surveyor, the board of sewer commissioners, commissioners on plan of the city, and all other officers whose duty is to be performed by the board of public works, are hereby abolished from and after the third Tuesday of January, 1874.

Offices abolished.

(§ 329.) SEC. 21. Said board shall have power summarily to remove, or cause to be removed or torn down, all dangerous walls or other structures that may be liable to fall into any street, alley or public place, or otherwise, so as to endanger life or property.

Removal of structures liable to fall.

ISSUING OF BONDS FOR CONSTRUCTING PUBLIC SEWERS.

An Act to authorize the city of Detroit, county of Wayne, State of Michigan, to issue bonds for the purpose of constructing public sewers in said city.

(§ 329*a*.) SECTION 1. *The People of the State of Michigan, enact,* That the common council and the board of estimates of the city of Detroit, county of Wayne, State of Michigan, be and are hereby authorized and empowered to borrow money on the faith and credit of said city, and to issue bonds therefor to an amount not to exceed one million dollars, pledging the faith and credit of said city of Detroit for the payment of the principal and interest of the same, which money shall be expended for the construction of public sewers in the said city of Detroit: *Provided*, That a majority of the qualified electors of the said city of Detroit, voting at any regular charter election in said city, shall vote in favor of such loan: *And provided also*, That at any one election the amount so voted shall not exceed the sum of five hundred thousand dollars.

Authorized to borrow money.

Proviso.

Proviso.

(§ 329*b*.) SEC. 2. If such loan shall be authorized by a majority of such electors, said bonds shall be issued in such sums, not exceeding the amount hereinbefore limited, and payable at such times and with such rate of interest, not exceeding four per cent per annum, as said common council and said board of estimates shall direct, and shall be payable in not less than five nor exceeding fifty years from date. They shall be issued under the seal of the city, signed by the mayor, and countersigned by the controller, and said bonds shall be denominated "Public sewer bonds of the city of Detroit," and shall be regu-

May issue bonds.

How denominated.

larly dated and numbered in the order of their issue, and shall be of such denomination as said common council and said board of estimates shall direct. Said bonds shall not be negotiated at less than their par value.

Shall not be sold.

Controller to keep record of bonds.

(§ 329*c*.) SEC. 3. The controller shall keep an accurate record of said bonds, showing the class of indebtedness to which they belong, the number, date, and amount of each bond, its rate of interest, when and where payable, and the person to whom it was issued. The proceeds of said bonds shall be paid to the city treasurer and be credited to the "public sewer fund," and be applied exclusively to the purposes for which said fund is constituted as above.

This act is ordered to take immediate effect.

Approved June 30, 1891.

CHAPTER XVI.

BOARD OF FIRE COMMISSIONERS.

An Act to create a Fire Commission in the City of Detroit.

Approved March 18, 1861.

(§ 330.) SECTION 1. *The People of the State of Michigan enact*, That all powers and duties connected with and incident to the government and discipline of the fire department of the city of Detroit shall be, as hereinafter more especially provided, vested in and exercised by a board, composed of four commissioners, a majority of whom shall constitute a quorum for the transaction of business. Fire Commission constituted.

(§ 331.) SEC. 2. There are hereby appointed as such commissioners Theodore H. Hinchman, who shall hold his term of office until the first day of April, eighteen hundred and seventy-one; William Duncan, who shall hold his term of office until the first day of April, eighteen hundred and seventy-two; Lucretius H. Cobb, who shall hold his term of office until the first day of April, eighteen hundred and seventy-three; and Benjamin Vernor, who shall hold his office until the first day of April, eighteen hundred and seventy-four; and every commissioner appointed at the end of said terms shall hold his office for four years, or until his successor is appointed, except in cases of death, resignation or removal; and all successors shall be appointed by the common council on the nomination of the mayor. Commissioners and terms of office.

(§ 332.) SEC. 3. Any member of said board of commissioners may at any time be removed by a vote of two-thirds of the members elect of the common council of said city, for sufficient cause, and Council may remove Commissioners.

Proviso.

the proceedings in that behalf shall be entered on the journal: *Provided*, That the said common council shall previously cause a copy of the charges preferred against such member sought to be removed, and notice of the time and place of hearing the same, to be served on him ten days at least previous to the time so assigned, and opportunities be given him to make his defense personally and by counsel.

Qualification of Commissioners.

(§ 333.) SEC. 4. Immediately after their appointment, such commissioners shall meet in the office of the city controller of the city of Detroit, and file with the controller the oath of office prescribed for the city officers, and the controller shall give to each a certificate of appointment for the respective terms of office aforesaid.

Organization of Board.

(§ 334.) SEC. 5. Said commissioners, on being qualified, shall meet and organize by electing one of said commissioners to be president, and appointing a person to be secretary; whereupon they shall possess and have the power and authority conferred upon or possessed by any and all persons in the city of Detroit for the prevention and extinguishment of fires, and to the exclusion of all such persons, together with such other powers and duties in said city as are hereinafter conferred.

Powers and name of Board.

(§ 335.) SEC. 6. Such commissioners shall take and have, as provided by this act, control and management of all officers, men, property, measures, and action for the prevention and extinguishment of fires within the said city, to be organized as herein provided, and to be known as the " fire commission of the city of Detroit."

To have entire control of the extinguishment of fires.

(§ 336.) SEC. 7. The said fire commission is hereby empowered and directed to possess and exercise fully and exclusively all the powers and perform all the duties for the government, management, maintenance, and direction of the fire department of the city of Detroit, and the premises and property thereof, which at the time of the organization of said commission were possessed by or under the con-

trol of the common council of said city, and the officers of the fire department of said city or the officers or employes of said city; said powers and duties to be performed and exercised and said property used in the said city or otherwise, as hereinafter provided. And the said commission shall hereafter have sole and exclusive power and authority to extinguish fires in said city of Detroit, and all acts conferring upon any other officer and officers any power in relation to extinguishment of fires in said city, are hereby repealed.

(§ 337.) SEC. 8. It shall be the duty of the board of commissioners, subject to the provisions of this act, to provide in and for said city all needed supplies, horses, tools, implements, engines, and apparatus of all kinds for the extinguishment of fires; to provide fire telegraphs, to select suitable locations for engine-houses, reservoirs, and fire-hydrants, and to buy and sell the same in their discretion; and also to construct, repair and maintain engine-houses, reservoirs and fire-hydrants, as they shall judge best, when, and so long as the construction, repairs, and maintenance thereof are not otherwise by law committed to another board, and to take all such actions in the premises as may be necessary and proper for carrying into effect the duties herein required.

Board to provide all necessary apparatus.

(§ 338.) SEC. 9. The commission hereby created is hereby empowered and directed to possess and exercise full and exclusive power and discretion for the government, management, and direction of the several buildings, premises, and property, and appurtenances thereto, and all apparatus, hose, implements, and tools of any and all kinds, which, at the time of the appointment of the commissioners aforesaid, shall be under the charge and control of any and all city officers, or officers of the fire department in said city, for the use and benefit of the fire department of the city of Detroit; and it shall be the duty of any and all persons in possession of any property, real or personal

To control all property pertaining to fire department.

belonging to or set apart for, or in use by or for the fire department of said city, to deliver the same to the possession and control of the said commission.

Vacation of office.

(§ 339.) SEC. 10. Any one of said commissioners shall be considered as vacating his term of office in the event of his accepting or holding any political office, and any commissioner who shall, during the term of his office, be publicly nominated for any office elective by the people, and shall not decline the said nomination within ten days succeeding notice of the same, shall in either case be deemed to have vacated his office.

Annual financial estimate.

(§ 340.) SEC. 11. It shall be the duty of the commissioners to prepare and submit to the common council on or before the first day of May in each year, an estimate of the whole cost and expense of providing for and maintaining the fire department of said city, within the current fiscal year, which estimate shall be in detail, specifying the objects of expenditure, the sums desired for each, and the reasons for the same. Such estimates, or so much thereof as the common council shall approve, shall be submitted to the approval of the citizens of said city, at a meeting required by law for the approval of certain annual taxes voted by said common council; and so much of said estimates as shall be approved by said citizens' meeting shall be placed upon the general or other proper assessment rolls, and shall be assessed, levied, and collected the same as other city taxes. Said money, when collected, shall be paid into the city treasury, and shall be styled the "Detroit fire commission fund," and shall be drawn out therefrom for the purpose of said commission. Under the fiscal regulations established by this act, the city treasurer, for the time being, is hereby appointed treasurer of the fire commission board, who shall, on check or voucher, duly disburse said fund by order of such commissioners, for the purposes of this act, and pay over to the treasurer

Name of fund.

appointed by said commissioners for disbursement under their direction.

(§ 341.) SEC. 12. All moneys hereafter to be paid to any person or persons out of the fire commision fund shall be certified by the president or acting president of said commission to the secretary, who shall draw his warrant on the treasurer therefor, stating therein the fund to which it is chargeable and the person to whom payable; and such warrant shall be countersigned by the president, or in his absence by the acting president of the fire commission; and the city treasurer shall pay such warrant. Money paid only on warrant.

(§ 342.) SEC. 13. Said commissioners shall provide such offices and business accommodation for the transaction of their business, and that of their subordinates, in said city of Detroit, as shall be necessary. They shall have the power to select a chief and one or more assistant engineers, together with engineers, foremen, drivers, pipemen, firemen and such other officers as may be necessary for the efficient working of said department, and to fix their salaries; *Provided*, That the number of men to each fire engine or hook and ladder company shall not exceed twelve, who shall discharge such duties as may be designated, and be at all times under the control of and subject to removal by said commissioners. (As amended by Act approved March 15, 1882.) Board to furnish offices, etc. Chief and assistant engineers. Salaries. Proviso.

(§ 343.) SEC. 14. The aforesaid officers and men, with their apparatus of all kinds, when on duty shall have the right of way going to and at any fire, or in any highway, street or avenue, over any and all vehicles of any kind, except those carrying United States mail; and any person in or upon, or owning any vehicle, who shall refuse the right of way, or in any way obstruct any fire apparatus or any of said officers while in the performance of duty, shall be guilty of a misdemeanor, and be liable to punishment for the same. Fire department to have right-of-way.

All property to be transferred to Commission.

(§ 344.) SEC. 15. On and after the organization of the commission, all real estate, fire apparatus, hose, implements, tools, bells and bell-towers, fire telegraph, and all property of whatever nature then or therefor in use by the firemen, or fire department of the city of Detroit, belonging to said city, shall be transferred by all persons having charge of the same to the keeping and custody of the fire commissioners hereby created, and for the use thereafter of said commissioners; but the said property shall remain the property of the mayor, aldermen and common council of the city of Detroit, subject to the public uses of the said commissioners, as aforesaid, and for the purposes provided by this act.

No compensation to Commissioners.

(§ 345.) SEC. 16. Said commissioners shall receive no compensation whatever for their services, but all persons employed by them as firemen shall be exempt from military and jury duty while so employed.

Legal rights and powers.

(§ 346.) SEC. 17. The commission hereby created may adopt a common seal and direct its use, and in the name of its president may institute and maintain suits and proceedings at law and in equity, and may pay any costs, expenses or judgments therein, for the enforcement of its rights and contracts, and for the protection, possession and maintenance of the property under its control; and may also, in like manner, sue for, and have exclusive right to recover, the fines and penalties mentioned in or imposed by the city ordinances for the more effective prevention of fires and the better protection of life and property in the city of Detroit; and all sum recovered shall be for the benefit of the funds of said commission.

Cisterns, etc., transferred to Board.

(§ 347.) SEC. 18. All cisterns and fire-hydrants belonging to or now in use by the fire department of the city of Detroit, are hereby transferred to the control of said commission; and it shall be competent for said commissioners at any time, in their best judgment, to

send any steam fire or other engine, with hose and apparatus, to the relief of any community in the vicinity of said city.

Power to send assistance to fires in vicinity.

(§ 348.) SEC. 19. The office of fire marshal, as now existing in said city of Detroit, is hereby declared to be abolished from and after the organization of said commission, and the duties thereof transferred to the person who shall be designated therefor, as provided in section fourteen (26) of this act.

Office of Fire Marshal as now existing abolished.

(§ 349.) SEC. 20. All acts and parts of acts contravening the provisions of this act are hereby repealed, but such repeal shall not take effect until the actual organization of the commission hereby created; *And provided*, That nothing herein contained shall affect the rights of the corporation known as the fire department of the city of Detroit, organized January twentieth, eighteen hundred and forty, under its act of incorporation, and acts amendatory thereof.

Contravening acts repealed.

(§ 350.) SEC. 21. Said board shall have power to adopt such rules and regulations for the government of the force created by this act, as they shall deem fit and proper, not inconsistent with the laws of this State, and the violation of such rules and regulations shall be sufficient and good cause for dismissal from the force.

Rules, etc., for government of force to be made by Board.

(§ 351.) SEC. 22. The board of commissioners shall, on or before the first Monday in April in each year, report, in writing, the condition of the fire department within the said city to the common council, together with a list of fires, alarms, losses and insurances on all property destroyed during the year.

Annual report.

(§ 352.) SEC. 23. The common council of Detroit is hereby empowered and directed annually to order and cause to be collected and raised by tax upon the estates, real and personal, subject to taxation according to law, within the said city of Detroit, the sums of money, as aforesaid, annually estimated for the said total expense of the said fire department, authorized by this act.

Council to order levy and collection of tax for Fire Department.

(§ 353.) SEC. 24. The books and accounts kept by said board shall at all times be subject to the inspection of the mayor and controller; and the common council may, at any time, require any information respecting the same, the disclosure of which will not impair the usefulness and efficiency of the fire department.

(§ 354.) SEC. 25. This act shall take immediate effect.

Books, etc., open to inspection.

(§ 355.) SEC. 26. The board of fire commissioners shall nominate, and by and with the consent of the common council, appoint a fire marshal and such assistants as may be by them deemed necessary, and determine their salaries. Said fire marshal shall act under direction of the fire commission; shall hold office at their option, and his salary shall be paid from the fire department fund. The fire marshal shall, by virtue of his office, be vested with the powers of policemen in said city. (As amended by Act No. 364, session laws of 1877.)

Fire Marshal appointment of, etc.

(§ 356.) SEC. 27. The fire marshal shall be present at all fires in said city, if practicable; shall, when necessary, make recommendations of precautionary measures for the prevention of fires; shall prevent the transportation and storing within the city limits of all explosive oils, naphtha, benzine, or their products, under whatever name; fireworks, fire-crackers, powder, nitro-glycerine, dynamite, or any other dangerous substances, excepting only in such quantities as the common council may by ordinance designate; and he shall enforce all ordinances governing the same, and the cleaning of chimneys, and perform such other duties as the fire commission may direct. (As added by Act No. 364, session laws of 1877.)

Certain duties.

(§ 357.) SEC. 28. The fire commission shall have power, subject to the approval of the common council, to agree with all persons interested in private property as to the compensation for taking or using the same for public use or benefit by said board. And in case

no agreement can be entered into, the board shall report the facts to the common council, together with a description of the property necessary to be taken, and the purposes for which it is to be used; and thereupon the common council may direct the city attorney to institute proceedings in the recorder's court of said city to condemn said property. (As added by Act No. 364, session laws of 1887.)

Erection, etc., of buildings within fire limits.

(§ 358.) SEC. 29. Whenever any person or corporation shall be desirous of erecting or altering any building within the fire limits of said city, he or they shall make application at the office of the fire marshal for a permit for that purpose, and shall furnish for the examination of said marshal a written statement of the proposed location, the dimensions, the manner of constructing the proposed building or alteration, the material to be used, the estimated cost, and the contract time for completion. It shall be the duty of the fire marshal, on receiving such application, to inspect such location, the plans and specifications, and to fully examine the question of granting such permit. And if he shall be satisfied that the building or alterations proposed will comply with the ordinances of the city, and that the erection of the same will in every other respect be proper, he shall, subject to the approval of the board of fire commissioners, give such applicant a permit therefore; and such applicant shall pay to the fire marshal the sum of one dollar, if the estimated cost of said building or alteration shall be less than one thousand dollars; two dollars if it shall be more than one thousand dollars and less than five thousand dollars; and for every additional one thousand dollars over five thousand dollars the further sum of twenty cents. (As added by Act No. 364, session laws of 1877.)

Permit and fees for same.

Powers and duties of Fire Marshal relative to buildings in course of erection, etc.

(§ 359.) SEC. 30. It shall be the duty of the fire marshal to visit and inspect each house or building which may be in the course of construction, erection or alteration within the fire limits of said city, and to see that such house or building is being erected, con-

structed or altered according to the provisions of the city ordinances and the permit so granted, and in a manner adapted for the security thereof against fires, and the safety of the occupants. His visits of inspection may be repeated from time to time until such house or building is completed, when he shall furnish the owner or contractor with a certificate that said house or building is in all respects conformable to law and properly constructed, and all such certificates shall be countersigned by the president or acting president of the fire commission. The fire marshal shall have power to stop the erection, repair or alteration of any building or shed until a permit is given, or during the progress of the work, if the same is not deemed safe, or if it does not in all respects comply with the laws and ordinances governing the same. He may also cause the removal or repair of any building, shed, smoke-stack, chimney, boiler, stove or other heating appliance that is not considered safe, or that does not comply with the ordinances. (As added by Act No. 364, session laws of 1877.)

Fire Marshal to examine into origin of fires, take testimony and make report.

(§ 360.) SEC. 31. It shall be the duty of the fire marshal to examine into the cause, circumstances and origin of all fires occurring in said city by which any building, erection, vessel or valuable personal property shall be accidentally or unlawfully burned, destroyed or damaged, and to especially inquire and examine whether such fire was the result of carelessness or the act of an incendiary. The said fire marshal shall take the testimony, under oath, of all persons supposed to be cognizant of any facts connected with such fire; such [said] testimony shall be reduced to writing, and shall be transmitted to the board of fire commissioners, together with a report by the fire marshal, embodying his opinions and conclusions regarding the same. The fire marshal shall also report to the superintendent of police, to the prosecuting attorney of Wayne county, to the Detroit board of underwriters, and to the owners of the property or other persons interested in the subject matter of such investigation, any facts or cir-

cumstances which he may have ascertained which shall, in his opinion, require attention from or by any of said officers or persons. (As added by Act No. 364, session laws of 1877.)

Fire Marshal to inspect shops, warehouses, etc.

(§ 361.) SEC. 32. It shall be the duty of the fire marshal to inspect, from time to time, all buildings, warehouses, shops, yards and places in said city for the purpose of enforcing the ordinances for the prevention of fires, the protection of hoistways, the protection of life, and the inspection of chimneys; and in the performance of such duties he shall have the right to enter into and upon private property, and any person who shall refuse or obstruct such right of entry shall be deemed guilty of a misdemeanor. (As added by Act No. 364, session laws of 1877.)

May enter upon private property.

Common Council may extend fire limits.

(§ 362.) SEC. 33. The common council may, on the recommendation of the fire commission, or of the property owners interested, extend the fire limits over all such portions of the city as are thickly settled, and over such other parts of the city as it may be deemed necessary, to prevent the spread of fires. The common council shall also adopt ordinances to fully carry out the provisions of this act. (As added by Act No. 364, session laws of 1877.)

Fire Commission to see to enforcement of certain ordinances.

(§ 363.) SEC. 34. The fire commission shall see that all ordinances and provisions of law governing the prevention and extinguishment of fires are faithfully enforced, and that the duties of the fire marshal are properly performed. They may at any time call upon the police force to aid them in the enforcement of such laws and ordinances; and the police commission and police force shall, when requested, promptly render such service. (As added by Act No. 364, session laws of 1877.)

Police Force to aid them.

Reports of Fire Commissioners.

(§ 364.) SEC. 35. The fire commission shall report once each month to the common council, giving date when, names and amounts of all moneys collected by the fire marshal for permits or certificates;

and also of all amounts collected for penalties on information given, or complaints made by him. They shall also report all moneys received for the sale of fire department property, real estate, horses, old hose or material of any kind, and shall cover all money so collected into the city treasury, monthly, for the credit of the fire department fund. (As added by Act No. 364, session laws of 1877.)

Report of Fire Marshal.

(§ 365.) SEC. 36. On or before the fifteenth day of February in each year, it shall be the duty of the fire marshal to make a detailed report of all business transacted in his office during the year, to the fire commission, who shall embody the same in their annual report to the common council. (As added by Act No. 364, session laws of 1877.)

Repealed.

(§ 366.) SEC. 37. That portion of section thirteen of the act approved March eighteen, eighteen hundred and seventy-one, entitled "an act to create a fire commission in the city of Detroit," and such other portions of said act that contravene the provisions of this act, are hereby repealed. (As added by Act No. 364, session laws of 1877.)

RELIEF OF DISABLED FIREMEN.

An Act to provide for the retirement of aged and disabled firemen, and the payment of pensions to the wives and children of deceased firemen killed in the service of the City of Detroit. (Approved June 16, 1885.)

(§ 367.) SECTION 1. *The People of the State of Michigan enact,* Any person who has been a member of the fire department of the city of Detroit, or employed by the fire commission of said city for a period of twenty-five years subsequent to October twenty-fourth, A. D., eighteen hundred and sixty, may be placed on the list of retired firemen on account of disability, by vote of said commission. Any person in the employ of the said commission who may hereafter be totally disabled in the discharge of his duty, as such fireman for duty, may in a like manner be placed on the list of retired firemen. And all such retired firemen shall receive a sum equal to one-half of their annual salary paid them at the time of their retirement, annually thereafter, to be paid in twelve monthly payments during the remainder of their natural lives, such moneys to be collected and paid in the manner hereinafter provided; *Provided, however*, That no person so retired shall receive more than four hundred and fifty dollars per annum; *And provided further*, That said commission may place on the list the name of persons who become totally disabled in the employ of said commission prior to the passage of this act.

Retired list of firemen, how composed.

Disabled in discharge of duty.

Retired firemen, how to be paid.

Limitations.

(§ 368.) SEC. 2. In case any person in the employ of the fire commission of said city of Detroit shall be killed while in the discharge of his duty or shall receive injuries which result in his death

Pensions to families of firemen killed in discharge of duty.

within one year thereafter, the widow first, or children, if there is no widow, and if such person shall leave no widow nor children, then mother of such person, if dependent upon him for support, shall by vote of the fire commission be paid a pension. The widow or dependant mother shall receive the sum of three hundred dollars annually in equal monthly payments of twenty-five dollars each during the term of her natural life or until she remarries, in which case all payments of moneys under this act to such widow or dependent mother shall cease.

Payment of pensions, to whom made

In case of the death of such widow the same amount shall be paid to such children as shall be under the age of sixteen years at the time of the death of said widow; the money to be equally divided among such children according to the number. In case such deceased person shall leave no widow, but one or more children, such child or children shall receive in equal proportion according to the number of such children, the same amount as would have been paid to the widow, such payments to be made monthly as hereinbefore provided and to continue until such child or children shall attain the age of sixteen years respectively. In case of the death of one or more of the children their share of such pension shall be paid to the survivor, or survivors provided they are under the age of sixteen years. The money for the payment of such pensions shall be collected and paid in the manner hereinafter provided. It is provided that the said commissioner and controller may continue on the list of names of four widows whose husbands died from effects of injuries received in the line of their duty prior to the passage of this act.

And provided further, That the said commissioner and controller may continue on the list the names of four children whose father died from the effects of injuries received in the line of his duty prior to the passage of this act, until such children shall attain the age of sixteen years respectively. (As amended by Act approved May 5, 1891.

Commissioner to report to City Controller.

(§ 369.) SEC. 3. Whenever any persons are placed on the retired list, as provided in this act, it shall be the duty of the fire commission to promptly report its action to the controller of the city of Detroit, giving the names of the persons retired, together with a full statement of facts connected with the retirement of such person or persons. It shall be the duty of the controller to register the names of such persons as being retired firemen of the fire department of the city of Detroit, and as hereinafter provided, pay them the moneys due them under this act.

Controller to keep register.

Commissioners to keep list of retired firemen, date of retirement, etc.

(§ 370.) SEC. 4. There shall be kept in the office of the fire commissioner by the secretary, a book to be known as the list of retired firemen. This book shall give a full and complete history and record of the action of the fire commission in retiring any and all persons under this act; such record to give the names, date of joining the department, date of retirement, and the reason therefor, if any, and all persons retired. When the widow or children or dependent mother or either of them shall be entitled to a pension as hereinafter provided, such widow or children or dependent mother shall make application for a pension to the fire commission through the secretary of such commission, on a form to be provided by such commission. Accompanying such application shall be the proof of the marriage of the deceased to the widow claimant, such proof to be established by the marriage certificate or other competent evidence of the marriage relation. Proofs of the births of the children shall be shown by the certificate of the attending physician. The proof of the dependency of a mother shall be shown by the affidavit of such mother and two disinterested persons. All applications and proofs shall be retained in the custody of the fire commission. Whenever such applications for pensions are allowed by the fire commission, due notice of such action, with the names of all the pensioners shall be given to the controller of the city of Detroit, who shall cause such

persons to be registered in his office as pensioners of the fire department of the city of Detroit. (As amended by Act approved May 5, 1891.)

Estimates to be submitted by Controller to Common Council.

(§ 371.) SEC. 5. On or before the first day of April in each and every year, the controller shall submit to the common council his estimate of moneys necessary to pay such retired firemen and pensioners as shall be entitled to moneys under this Act, for the fiscal year beginning on the first day of July succeeding the first day of April; and the common council shall appropriate and cause to be levied and collected by taxation such sum of money as shall be required to make the payments provided for by this act. It is further provided, that in his second and all subsequent estimates, the controller shall include a sum equal to the amount of worthless taxes charged back to the fund provided by this act at the end of the preceding fiscal year. All moneys collected under this act shall be placed to the credit of "fire department retired and pension fund," and if at any time the cash balance shall not be sufficient to pay matured claims, the controller is authorized to borrow such further sum as shall be required, provided that such amount shall not exceed the uncollected appropriation.

Tax to be levied.

Fund to be established.

Payment, how made.

(§ 372.) SEC. 6. At the last meeting in each and every month the fire commission shall order the payment of moneys due all persons under this act. A voucher shall be prepared for the payment of each person entitled to moneys, the correctness of the same to be duly certified to by the chairman of the finance committee of the fire commission, and the fact of the allowance of the claim duly attested by the president. The secretary shall then draw his warrant on the controller for the payment of such moneys. The warrant shall be countersigned by the president of the fire commission, and shall state the object for which it is drawn. Upon presentation of the warrant to the controller, he shall draw his warrant on the city treasurer for

the amount of the original warrant, the same to be paid from and charged to the "fire department retired and pension fund."

(§ 373.) SEC. 7. Before issuing any warrant for the payment of a pension, it shall be the duty of the secretary of the fire commission to examine under oath all pensioners, with a view to ascertaining if they are at that time entitled to a pension as provided for in this act. And whenever the said secretary shall learn that any person has ceased to be entitled to a pension as herein provided for, he shall record the fact on the roll of pensioners and promptly notify the controller of such disability, and such person shall be thereupon dropped from the rolls. Pensioners to take oath.

(§ 374.) SEC. 8. All payments under this act shall be made on the first secular day in each month; but when any claims for pensions are allowed after the first day of April in each year, there shall be no payment until after the beginning of the ensuing fiscal year; *Provided, however*, That the first payment shall be for the period intervening between the date of the allowance of such pension and the date of making such first payment; *Provided, further*, Nothing in this act shall in any way make the State liable for the payment of any moneys herein provided for. Time of payment. State not liable.

(§ 375.) SEC. 9. All acts or parts of acts inconsistent with this act are hereby repealed. (Approved June 16, 1885.)

CHAPTER XVII.

BOARD OF HEALTH.

An Act to provide for the establishment of a Board of Health for the City of Detroit. (Act approved May 26th, 1881.)

(§ 376.) SECTION 1. *The People of the State of Michigan enact,* That there shall be appointed by the common council of the city of Detroit, on the nomination of the mayor, on the third Tuesday of June, 1881, three persons, electors and practicing physicians of said city, who shall be and constitute, together with the mayor, controller and president of the metropolitan police commissioners of said city, a board of officers of said city, to be known and designated as the Detroit "board of health." The mayor, the controller and the president of the metropolitan police commissioners shall be *ex officio* members of the said board of health. The three physicians first appointed shall hold their offices for the terms of one, two and three years respectively, from July first, eighteen hundred and eighty-one; and annually, after the year eighteen hundred and eighty-one, on the third Tuesday of June, a member of said board, with like qualifications, shall be appointed, on the nomination of the mayor, for the term of three years. Vacancies in said board shall be filled in the same manner that appointments are made as herein provided for. The board of health thus constituted, for the purposes of organization and management of its departments, shall have all the authority of other boards in said city and ordinarily pertaining to such bodies, and also to appoint a secretary as an executive officer, who shall be known as the

Members of

Terms of

Vacancies.

Powers and duties.

To appoint Health Officer.

health officer of said city. The health officer shall be selected with special reference to his knowledge of chemistry, hygiene and sanitary matters, and shall devote his whole time to the sanitary condition of the city and other duties as prescribed or required by said board. Said health officer may be removed from office by the board of health, two-thirds of the members thereof voting for such removal.

Members of Board to receive no compensation.

Salary of Health Officer.

(§ 377.) SEC. 2. The members of the said board of health shall serve without compensation, but the health officer shall receive an annual salary not exceeding three thousand dollars ($3,000), as may be determined by the common council of said city.

To report estimates.

Council to raise money for expenses and pass ordinances.

(§ 378.) SEC. 3. The said board on or before the first day of March of each year, shall report to the controller, to be by him transmitted, as other estimates, to the common council, an estimate of the amount of money necessary to defray the expenses of said board in preserving the health of said city during the ensuing fiscal year. The common council shall have the power to raise by taxation the amount so estimated, or any such part thereof as may be approved each year, in the same manner as other general taxes are levied and collected. The common council shall also have full power to pass and enforce all needful ordinances for the regulation of the sanitary condition and preservation of said city.

To nominate City Physicians

(§ 379.) SEC. 4. The city physicians of said city shall be appointed by the common council, on the nomination of the board of health, on the third Tuesday of June, after the year eighteen hundred and eighty-one, and shall in all matters of public health and sanitation, co-operate with and be subject to said board of health.

Reports.

(§ 380.) SEC. 5. On the first day of July in each year, and at all other times when required by the common council, the said board shall present to the said council a report of their operations during

the year, with such information and recommendation as may be deemed important and necessary.

(§ 381.) SEC. 6. From and after the second Tuesday of January, eighteen hundred and eighty-two, all power herein delegated to the common council, relative to the confirmation of members of said board, shall be exercised by the city council of said city. (Ordered to take immediate effect. Approved May 26, 1881.)

City Physicians to be confirmed by City Council

ACT TO PROVIDE FOR AND CONFIRM THE BOARD OF HEALTH, ETC.

An Act to provide for and confirm the board of health for the city of Detroit, and prescribe its powers and duties.
(Approved May 25, 1893.)

(§ 382.) SECTION 1. *The People of the State of Michigan enact*, The board of health of the city of Detroit shall consist of six members, three of whom shall be residents and practicing physicians of said city, and shall continue to be appointed as now provided by law; the other three shall be as now, the mayor, controller, and president of the metropolitan police commissioners of said city, which last three shall be ex-officio members thereof, and each of the six members shall have power to vote. The said board shall be known and distinguished by the name and style of "the board of health of the city of Detroit." Said board shall have the powers and authority as now prescribed by law, unless otherwise herein provided, and shall have the power to elect or appoint a president, a health commissioner a health officer, a special sanitary inspector, a food inspector, a meat inspector, a milk inspector, a plumber and sanitary inspectors and such clerks and subordinates as may be from time to time required. The health commissioner must be a graduate in medicine of at least ten years standing, and shall be selected with special reference to his business and executive abilities, as well as his knowledge of hygiene, and sanitary science. He shall be at the head of the health department and shall have the management and control of all matters pertaining thereto, under the supervision of the board of health, and shall be appointed for a period not less than one nor more than six years, as may be determined by the board, and until his successor

Board, how constituted.

Power to appoint officers, clerks, etc.

Health Commissioners.

shall be appointed and qualified. The president of the board shall have general charge of the work until the appointment of the commissioner. The health officer shall be a graduate of medicine of at least five years standing, and shall be selected with special reference to his knowledge of chemistry, hygiene, and sanitary science, and shall be appointed for a term of not less than one nor more than three years, in the discretion of the board. The special sanitary inspector shall be a graduate of sanitary engineering or shall possess in the judgment of the board equivalent qualifications. The food, meat, milk and sanitary inspectors shall possess such qualifications as will adapt them for such particular work, and the sanitary functions of the police of the police of the city of Detroit are hereby abandoned and dispensed with, and the same shall hereafter devolve upon the sanitary inspectors. The plumber shall pass an examination before a board of examiners to be appointed by the said board of health previous to the said plumber's appointment. The board of health shall prescribe the powers and duties and determine the annual salary and compensation of each and all herein referred to. The appointments herein provided for may be made immediately on or before July first, eighteen hundred and ninety-three, and thereafter annually, or when terms expire, or when vacancies occur, and all appointments shall be by vote of not less than two-thirds of the board, and all appointees, unless their terms are fixed at the time of their appointments, shall be removed at pleasure on a vote of two-thirds of the board.

Health Officer.

Special Sanitary Inspector.

Food, meat, milk and sanitary inspectors

Sanitary functions of police abolished

Plumber.

Board shall determine duties and fix salaries.

Appointments, when made.

(§ 383.) SEC. 2. The plumbing, drainage and ventilation of all public and private buildings, manufactories, etc., as well as private dwellings and business places, shall be subject to the control and approval of the said board of health, who may make and promulgate rules and regulations respecting the same, and a willful violation thereof shall be a misdemeanor subject to a fine of not less than two

Plumbing, drainage and ventilation of buildings subject to control and approval of board.

or more than twenty-five dollars, or imprisonment not exceeding thirty days, or both, in the discretion of the court having jurisdiction of the same, and the said board shall also have power to enforce its regulations by making such changes, alterations or improvements as it may deem necessary, at the expense of the owner or agent or trustee or corporation so refusing to comply with the requirements of the board.

Plans of drainage, etc., to be filed with and approved by Board.

(§ 384.) SEC. 3. Plans of all drainage, plumbing and ventilation of schools and other public buildings and factories, shops or salesroom, and places of like character, where two or more persons are employed, and the drainage and plumbing of all private buildings shall, when in process of repair or erection, be submitted to the said board of health for its approval, and placed on file with said board, which may require like plans in its discretion, of similar buildings already erected.

Plumbers must register.

(§ 385.) SEC. 4. It shall be the duty of every person engaged in the business of plumbing or house drainage in the city of Detroit to register his name and place of business in a book provided for that purpose at the health office, on or before the first day of July, eighteen hundred and ninety-three. It shall not be lawful for any person to work at, engage or carry on the trade of plumbing in said city unless his name and proper address be registered, and all not registered as above will require thereafter to pass an examination before a board of three examiners appointed by the board of health. It shall also be the duty of every such person to display at his place of business, in a conspicuous place, a sign with full registered name, and words "register plumber." And the violation of this section shall constitute a misdemeanor punishable in the same manner as hereinbefore provided in the case of misdemeanor.

Sign of "Register Plumber" to be displayed.

(§ 386.) SEC. 5. It shall be the duty of the coroners of Wayne county, before the tenth day of each month to make a monthly report to the board of health of the inquests held by them respectively during the previous month, with a full description, so far as may be, of the age, sex, color, nationality, and cause and mode of death of the subjects of such inquests and such other particulars as the board may from time to time require, for the purpose of identifying such deceased persons; and in each case where an analysis is made for poison, a detailed report of such analysis shall be furnished and filed with said board of health in writing within ten days thereafter by the expert making such analysis.

Coroners to make monthly reports.

(§ 387.) SEC. 6. The board of public works of the city of Detroit shall in all matters pertaining to public health and sanitation act under the advisement and control of the board of health.

Board of Public Works to act under direction of Board of Health.

(§ 388.) SEC. 7. It shall be the duty of the county clerk to report monthly to the board of health each marriage contracted in the city of Detroit, giving the full name, age, color, occupation, birthplace and legal residence of each person married, and the date of such marriage.

County Clerk to make reports of marriages.

(§ 389.) SEC. 8. It shall be the duty of each physician, accoucher, midwife, or other person in charge, who shall attend or assist at the birth of any child within the city of Detroit, to forward a report to the board of health of said city within forty-eight hours after such birth, stating distinctly the date of birth, the sex and color of the child or children born, its or their physical condition (whether still born or not), the full name, nativity and residence of the parents and the maiden name of the mother of such child or children, and any such physician, accoucher, etc., who shall fail to report as herein required shall be punished by a fine not to exceed twenty-five dollars, or by imprisonment in the county jail not more than ninety days, or by both such fine or imprisonment, in the discretion of the court.

Duty of Physicians, Midwives, etc. to report.

Public dispensaries, asylums, etc., to report.

(§ 390.) SEC. 9. All public dispensaries, asylums, infirmaries, hospitals, schools, theaters, and all public institutions and places of public resort, and their managers, officers, lessees and occupants shall report in writing when required by the board of health, under its rules and regulations, such information, as may, in the judgment of the board be needed for the better discharge of its duties in said city.

Terms of present officers to expire July 10th, 1893.

(§ 391.) SEC. 10. The terms of the present officers, clerks and employes of said board shall expire and their offices declared vacant not later than July tenth, eighteen hundred and ninety-three.

Extraordinary powers of Board in cases of pestilence, etc.

(§ 392.) SEC. 11. In case of pestilence or epidemic disease, or of danger from anticipated or impending pestilence or epidemic disease, or in case the sanitary condition of the city should be of such a character as to warrant it, it shall be the duty of the board of health to take such measures and to make such appointments, and to do and order and cause to be done such acts for the preservation of the public health (though not herein or elsewhere otherwise authorized) as they may in good faith deem the public safety and health to demand.

Power to tax for maintenance of Board.

(§ 393.) SEC. 12. The common council and the board of estimates shall annually include in their final estimate a sufficient sum of money for the maintenance of the board of health in performing the duties and obligations imposed by law on said board, and which sum shall be raised by tax, and constitute the "Detroit board of health fund." The city treasurer is hereby appointed treasurer of said board of health, and shall on check or voucher pay out from time to time from said fund as may be required by said board of health. (Approved May 25, 1893.)

Detroit Board of Health fund,

INSPECTION OF MILK.

An Act to prevent the sale of impure, unwholesome, adulterated, or swill-milk, in the State of Michigan, and to provide for inspectors.

(§ 394.) SECTION 1. *The people of the State of Michigan enact*, That it shall be unlawful for any person to sell, or expose for sale, within the State of Michigan, any unwholesome, watered, adultered, or impure milk, or swill-milk, or colostrum, or milk from cows kept upon garbage, swill, or other deleterious substance, or from cows kept in connection with any family in which there are infectious diseases. Unlawful to sell impure milk.

(§ 395.) SEC. 2. Any person who shall violate any of the provisions of the preceding section shall be punished by a fine not to exceed one hundred dollars, or by imprisonment not to exceed three months, or by both such fine and imprisonment, in the discretion of the court. Penalty.

(§ 396.) SEC. 3. It shall be the duty of the metropolitan police commissioners of the city of Detroit, by and with the consent and advice of the board of health of the city of Detroit, to appoint an inspector, who shall be a person of previous practical experience. Said inspector may be created captain, sergeant, or roundsman of the said police force of the city of Detroit, at the option of the board of metropolitan police commissioners. Police Commission to appoint an inspector.

(§ 397.) SEC. 4. It shall be the duty of said inspector to personally view, so far as possible, all milk exposed for sale in said city, and to visit all dairy houses, barns, or stables in said city, or the county of Wayne, to inspect the same, and the animals held therein, and Duty of milk inspector.

to visit all places where milk is kept or exposed for sale in the city of Detroit, and to inspect and ascertain the condition of said milk. He may detail any patrolman of said city to assist him in the performance of any or all of the duties enjoined on him by this act; *Provided, always*, That said inspector and any policeman so detailed shall always be subject to the provisions of the law establishing and governing the metropolitan police of said city.

Inspector to make complaints.

(§ 398.) SEC. 5. It shall be the duty of said inspector, or of his assistant, to make complaint in writing before a police justice of said city of every violation of this act coming to his knowledge.

Each sale a separate offense

(§ 399.) SEC. 6. Each and every quantity of milk sold, or exposed for sale, contrary to the provisions of this act, shall constitute a separate offense.

Penalty for refusing inspection.

(§ 400.) SEC. 7. Any person who shall refuse to permit the said inspector, or his assistant, to perform his duty under this act either by refusing him entrance to his premises or by concealing any milk, or refusing to permit any milk or animal, or premises wherein the animals are kept, to be viewed and inspected as herein provided, or by in any manner hindering or resisting any said inspector or assistant inspector, in the performance of his duty, shall be guilty of a misdemeanor, and punished therefor.

SEC. 8. Omitted. Not applying to Detroit.

(As amended by Act No. 246, approved June 25, 1887.)

CHAPTER XVIII.

BOARD OF POOR COMMISSIONERS.

An act to provide for and establish a board of poor commissioners in the city of Detroit. (Approved April 10, 1883.)

§ 401.) SECTION 1. *The people of the State of Michigan enact,* There shall be established in the city of Detroit a board of four poor commissioners, who shall be appointed by the city council on the nomination of the mayor, and whose term of office shall be for four (4) years. They shall have full charge and control of all poor applying for public aid within the city of Detroit, and shall appoint a secretary, a superintendent of the poor, and such other officers or employes as they may deem necessary for the proper operation of the poor department.

Board, how constituted, appointment of members, term, powers, etc.

(§ 402.) SEC. 2. The said board shall enforce all ordinances, regulations and resolutions that the common council may adopt and prescribe relative to the city poor and the funds raised for their relief.

Enforce ordinances relative to poor.

(§ 403.) SEC. 3. The said board shall have power, subject to the provisions of this act, to purchase clothing, provisions, fuel, medicines and supplies for distribution among the poor, but no money shall be paid out of the city treasury for any such purchases unless the common council shall have authorized the controller to draw his warrant therefor. The board may issue orders to the poor for provisions, clothing, boots and shoes, fuel, water taxes, and transporta-

Power to purchase supplies for poor.

tion, and may also make cash disbursements, all to be paid out of the poor fund, under such rules and regulations as the common council may prescribe.

Power to contract for care of paupers, burial thereof, etc.

(§ 404.) SEC. 4. Said board shall also have power to contract with any or all hospitals and asylums in and adjoining the city of Detroit for the care of sick poor, and such others as may come under their care and control under the provisions of this act. They shall also have charge of the burial of all deceased poor who may be public charges within the city of Detroit, and for that purpose may contract with superintendents of cemeteries, and employ such other persons as they may deem necessary for the proper performance of the same.

To disburse county relief fund.

(§ 405.) SEC. 5. The said board of poor commissioners shall perform the duties and make the disbursements out of the county temporary relief fund now authorized by the statutes of this State to be made by the Aldermen of each ward in the city of Detroit, whose term of office will soonest expire, in the capacity of supervisors of their respective wards, and the said board is vested with all the powers and duties of the aldermen as such supervisors relative to the support of the poor. The county superintendents of the poor shall have no power to grant any temporary relief in the city of Detroit, but all such relief from the county temporary relief fund shall be granted by said board, and the said board may draw its warrants on the county treasurer therefor.

County Superintendent.

Donations.

(§ 406.) SEC. 6. The said board shall have power to receive and disburse donations for the relief of the poor, and may act in conjunction with any society or organization organized for charitable purposes in the city of Detroit, and shall have such other powers and duties as the common council may prescribe.

(§ 407.) SEC. 7. One commissioner, whose term of office shall commence on the first day of July following, shall be appointed, according to the provisions of this act, at the last regular session of the city council in June of each year. Appointments.

(§ 408.) SEC. 8. Nothing in this act shall be construed as affecting the tenure of office of any of the present board of poor commissioners, who shall serve out their respective terms. Present members not affected

(§ 409.) SEC. 9. The said commissioners shall receive no compensation for their services. No compensation.

(§ 440.) SEC. 10. All acts or statutes inconsistent with the provisions of this act are hereby repealed. Repeal of conflicting acts.

This act is ordered to take immediate effect. (Approved April 10, 1883.)

POOR COMMISSIONERS OF DETROIT TO ACT AS COUNTY SUPERINTENDENTS OF POOR.

An Act to amend section two, chapter fifty, of the compiled laws of eighteen hundred and seventy-one, being compiler's section eighteen hundred and seventeen, relative to the support of poor persons by the public, the same being section one thousand seven hundred and fifty-six of Howell's annotated statutes. (Sec. 1756, Howell's statutes, as amended by Act No. 77, laws of 1885.)

(§ 411.) SECTION 1. *The people of the State of Michigan enact*, That section one thousand seven hundred and fifty-six of Howell's annotated statutes, being section one thousand eight hundred and seventeen of the compiled laws of eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

County Superintendents of the poor.

(§ 412.) SEC. 2. It shall be the duty of the Supervisors of each county, at their annual meeting in the year eighteen hundred sixty-nine, to appoint three discreet electors of such county, to be superintendents of the poor within the same; one for the term of one year, one for the term of two years, and one for the term of three years; and at their annual session in each year thereafter they shall appoint one superintendent who shall hold his office for the term of three years, and until his successor is appointed and qualified; *Provided*, That in case of a vacancy caused by the death or removal of either of said superintendents, or otherwise, the supervisors shall, at their first meeting held after such vacancy occurs, appoint a successor for the unexpired term. Before entering upon the duties of his office each

superintendent shall take the oath of office prescribed in the eighteenth article of ths constitution, and file the same in the office of the county clerk: *Provided, further*, That in the county of Wayne the superintendents of the poor shall consist of the three superintendents appointed by the supervisors and of the members of the board of poor commissioners of the city of Detroit, and a majority of the whole number shall be a quorum for the transaction of business; *Provided*, That the members of the board of poor commissioners of the city of Detroit shall receive no compensation from the county of Wayne for their services.

Board of Poor Commissioners of Detroit act as County Superintendents.

Ordered to take immediate effect. (Approved May 11, 1885.)

MEMBERS OF BOARD OF POOR COMMISSIONERS TO CONSTITUTE PART OF BOARD OF SUPERINTENDENTS OF THE POOR OF THE COUNTY.

An Act to constitute and make the members of the Board of Poor Commissioners of the City of Detroit members of the Board of Superintendents of the Poor of the County of Wayne.

Board of Poor Commissioners to be members of the board of Superintendents of the poor, etc.

(§ 413.) SECTION 1. *The People of the State of Michigan enact*, The persons who may when this act shall take effect be the members of the board of poor commissioners of the city of Detroit, and their successors in office, shall thereafter be and they are hereby constituted and made members of the board of superintendents of the poor for said county of Wayne, and said members of the board of poor commissioners shall have respectively all the rights, powers and authority and shall perform the duties of a member of said board of superintendents of the poor, and said last named shall then consist of the three superintendents appointed as provided by law and said board of poor commissioners: *Provided*, That said members of said board of poor commissioners shall not receive any compensation for their services. (This Act is ordered to take immediate effect. Approved March 13, 1889.)

Proviso.

CITY PHYSICIANS.

An Act to provide for the appointment of City Physicians of the City of Detroit, by the Board of Poor Commissioners of said city, and to provide for the regulation of their duties.

City physicians.

(§ 414.) SECTION 1. *The People of the State of Michigan enact:* That the board of poor commissioners of the city of Detroit shall, on the second Tuesday of June of each year, appoint three or more city physicians, whose term of office shall be one year, commencing on the first day of July following.

Qualifications.

(§ 415.) SEC. 2. Said physicians shall be resident electors of the city of Detroit, graduates of an established medical school or college, and be of good standing in their profession, and have been in practice for at least three years.

Duties, etc.

(416.) SEC. 3. Said physicians shall perform such duties and observe such rules and regulations in the care and treatment of the sick poor of the city of Detroit as the board of poor commissioners of said city may direct and make, and shall perform such further duties and receive such compensation as the common council of said city may prescribe.

Repealing clause.

(§ 417.) SEC. 4. All acts or parts of acts contrary to the provisions of this act are hereby repealed. (This Act is ordered to take immediate effect. Approved May 29, 1891.)

CHAPTER XIX.

PARKS AND BOULEVARDS.

An Act to authorize the City of Detroit to establish and regulate a Park. (Approved May 27, 1879.)

(§ 418.) SECTION 1. The common council of the city of Detroit shall have power to purchase the island in Detroit river, known as Belle Isle, and to improve and use the same as a public park, and to erect thereon any buildings which the city is authorized to build and maintain; and in all respects to devote said island to such public and corporate purposes as the council shall deem advisable. The said council may convey any portion of said island, not exceeding two acres, to the United States for lighthouse or signal station purposes. The board of metropolitan police of the city of Detroit shall have full police powers and jurisdiction over the island, the waters surrounding the same, and the bridge, if any, leading thereto, the same as though the island was within the corporate limits of the city. (As amended March 22, 1881.)

Purchase authorized, etc.

Council may convey two acres to the United States.

(§ 419.) SEC. 2. The common council of said city shall also have power to erect and maintain a bridge over the American channel, between said island and the main land, and to purchase and acquire sufficient real estate on said main land, either within or without the limits of the city, for suitable approaches to such bridge from the main land, and the police powers and jurisdiction conferred by the preceding section shall extend to the land thus acquired. The common council shall have power, from time to time, to fix the rate and

Power to erect a bridge.

Approaches.

Fix the rate of toll and collection of same.

provide for the collections of tolls for the use of said bridge, and to grant to railroads and street car companies the right to run their cars over such bridge upon such terms and conditions as the common council shall prescribe.

Issue of bonds.

(§ 420.) SEC. 3. For the purpose of carrying out the provisions of this Act, the common council shall have power to borrow, by issuing bonds on the faith and credit of said city, such sums of money as may be necessary, not exceeding in the aggregate the sum of seven hundred thousand dollars, said bonds to be issued and negotiated in the manner provided by the provisions of the city charter relative to the issuing of public sewer bonds, by said city, and the bonds so issued shall be denominated "public improvement bonds of the city of Detroit." *Provided*, That no greater sum than two hundred thousand dollars shall be paid for the said island.

Proviso.

Approval of Board of Estimates.

(§ 421.) SEC. 4. The powers conferred by this Act shall be exercised and carried out in compliance with the city charter and the acts creating the board of estimates and the board of public works of said city.

(§ 422.) SEC. 5. This act shall take immediate effect.

COMMISSIONERS OF PARKS AND BOULEVARDS.

An Act supplemental to the charter of the city of Detroit, and relating to parks, boulevards and other public grounds in said city, and to repeal act number three hundred and seventy-four of the local acts of eighteen hundred and seventy-nine, entitled "An act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the city of Detroit and through portions of the townships of Hamtramck, Greenfield and Springwells, in the county of Wayne," approved May twenty-one, eighteen hundred and seventy-nine.

Mayor shall appoint commissioners of parks, etc.

(§ 423.) SECTION 1. *The People of the State of Michigan enact*, That the mayor, with the consent of the common council of the city of Detroit, shall, after this Act shall take effect, appoint four electors and tax payers of said city, who shall be known [as] and styled "commissioners of parks and boulevards." The term of office of said commissioners shall commence on the first day of the month next following their appointment, and they shall hold office for the term of four years, except as hereinafter provided. Every person appointed a commissioner shall, before entering upon his office, take and subscribe the oath of office prescribed by the constitution, and file the same in the office of the city clerk.

Term of office.

Oath of office.

Provisional commissioners.

(§ 424.) SEC. 2. For the more effectual putting into [operation] operations of the provisions of this Act, the following persons, citizens and tax payers of said city of Detroit, viz.: Henry M. Duffield, Elliott T. Slocum, William B. Moran and Francis F. Palms, are hereby appointed provisional commissioners of parks and boulevards in said

city, who shall hold their office until the commissioners of parks and boulevards shall be appointed and duly qualified as provided in section one of this act, and no longer. Said provisional commissioners shall, within one week after this Act shall take effect, meet and organize by the appointment from their own number of a president and secretary, and shall thereupon give notice of their organization to the mayor of said city, to the board of public works and to the board of park commissioners. Said provisional commissioners shall ask for and receive from the board of public works, and from the board of park commissioners, respectively, all the official records books, plans and papers, in their care and custody, relating to the boulevard, or to the Belle Isle park, so-called; and it shall be the duty of said last named board to deliver the same accordingly. Said provisional commissioners shall have the exclusive care and custody of the boulevard, of all public parks, of all buildings thereon and of all movable property relating thereto; they shall exercise all lawful care and superintendence of any work commenced and in progress on the parks or boulevard, but shall not undertake any new work, unless necessary for the safety or protection of the parks or boulevard, or the buildings on the same. They shall have the superintendence and control of all agents, servants or clerks, already employed, and may remove or dismiss any one or more of them for good cause, and appoint others to fill the vacancies thereby created. Upon the due appointment and organization of the park and boulevard commission as provided in section one of this Act, said provisional commissioners shall turn over and deliver to them all the official records, books, plans and papers, and also all other movable property belonging to said commission, which have come to their hand, and thereupon their powers and duties shall cease.

Organization of

Shall give notice to mayor, etc., of organization.

To receive books, papers, etc., relating to boulevard and park.

To have exclusive care of boulevards and parks, etc.

Control of agents, clerks, etc., of.

(§ 425.) SEC. 3. All the powers and duties now vested in the existing board of park commissioners, or in the board of public works

Existing board abrogated

of the city of Detroit, relating to the boulevard, are hereby abrogated and revoked, except that said boards shall severally continue to hold their official records, books, plans and papers until the same shall be demanded of them as above provided, when the same shall be delivered to said provisional commissioners.

Meetings of board.

(§ 426.) SEC. 4. The members first appointed commissioners of parks and boulevards, as provided by section one of this Act, shall meet at twelve o'clock noon on the first day of the month next after their appointment, at the office of the city clerk, for the purpose of organization, and shall determine by lot among themselves when their terms of office shall respectively expire. Said terms shall be one, two, three and four years, respectively, and said terms having been determined, as aforesaid, said commissioners shall certify the same to the mayor and common council. At the expiration of the term of office of any commissioner, the mayor, in like manner, shall appoint a suitable person of like qualifications as his successor for the full term of four years, and vacancies shall be filled by appointment, as aforesaid, for the residue of the term vacant. Said board shall have the right, and it shall be its duty, to demand, obtain and receive all the official records, books, plans and papers above mentioned from any person or persons who may have the same, or any portion thereof, and thereafter it shall have the care, custody and control of the same.

Term of office determined by lot.

Vacancies, how filled.

Organization.

(§ 427.) SEC. 5. The commissioners shall appoint one of their number to be their president, and one of them to be vice president. They shall appoint a secretary, and said officers shall hold office during the pleasure of the board, or for such period as the board shall prescribe. An appointment *pro tempore* of [said] such officers may be made as usual when either of them are absent or unable to act. They may make all needful by-laws and rules for the transaction of business, and may employ and at their pleasure discharge superinten-

Appointment of secretary, etc.

May make by-laws.

May employ and discharge.

dents, engineers, clerks, agents and subordinates, and prescribe their compensation. All officers and appointees, or either of them, shall give

Security.

such security for the faithful performance of their trust as may be re-

Quorum.

quired. Three members shall constitute a quorum for the transac-

Shall keep record.

tion of business. They shall keep a record of all their business and proceedings, and at the request of any commissioner, the ayes and nays shall be taken on any vote at a meeting, which vote shall be recorded.

What commissioners to have charge of.

(§ 428.) SEC. 6. The commissioners shall have the control and management, and shall have charge of the improvement of all the

Parks and public grounds.

parks and public grounds of said city, including the island park (known as Belle Isle park), and of such parks or public grounds as may hereafter be acquired, laid out, purchased or dedicated for public use in said city. And they shall likewise have the control, man-

Boulevards.

agement and charge of the improvement and maintenance of the boulevard, which was laid out and established as provided by the [said] act creating said board of boulevard commissioners, and of any other boulevard which may at any time be hereafter acquired, laid out, established or located by said city. The authority hereby conferred

No control over ordinary streets or alleys.

shall not be construed as giving any charge or control to said commissioners over and to the improvement of any of the ordinary public

When cost of work exceeds $250, done by contract.

streets or alleys. When the estimated cost of any work or improvement ordered by said commissioners shall exceed the sum of two hundred and fifty dollars, the same shall be done by contract, after advertisements for bids in at least two daily papers, printed in said city, for at least seven days.

Management and maintenance of parks, etc.

(§ 429.) SEC. 7. The said commissioners may make all needful rules and regulations for the management, maintenance and care of the said parks, public grounds and boulevard or boulevards, and [regulating] regulate their use, and the common council of said city may provide by ordinance for the observance of the same, and may also in

like manner provide for the observance and enforcement of any other rules and regulations duly made by said commissioners under any of the provisions of this act. And said common council may by ordinance provide for the preservation and protection of the parks, public grounds and boulevards, and any of the property in charge of said commissioners against any destruction or injury, and prevent the destruction or injury to, or taking of any trees, shrubs, plants, flowers or other things set out, planted or used by said commissioners in beautifying, improving or ornamenting said parks, public grounds or boulevards, and prevent any disorder or disturbance on or about said parks, public grounds or boulevards, or any encroachment thereon or interference with the quiet and peaceable use and enjoyment of the same for the purposes for which the same are established and maintained. Said ordinances may provide for the punishment for any breach or violation of any of their provisions by like penalties provided for violation of ordinances of said city. The commissioners of metropolitan police for the city of Detroit, upon the request of said "commissioners of parks and boulevards," shall detail for service in any of the grounds under the charge of said park and boulevard commissioners, so many of the police force as may be necessary to maintain order and protect the property thereon, and any policeman on duty on said grounds may remove therefrom any person who may violate any of the rules and regulations of said commissioners, or of any of the ordinances of said city, adopted as aforesaid, relating to said parks, public grounds or boulevards.

Enforcement of rules relative to by common council.

Protection of parks, etc.

Preventing disorder and disturbance.

Punishment for violation of ordinances relative to disorderly conduct.

Police for parks, etc.

(§ 430.) SEC. 8. The commissioners shall annually, before the first day of April, prepare and submit to the common council an estimate of the amount of money that should be raised for the ensuing fiscal year for the purpose of improving and maintaining the grounds under their charge, which estimate shall specify the sums desired for each of the several objects of expenditure, and at the same time make

Annual estimate of money for improving and maintaining parks, etc

a report to the common council of the amount of revenue and income which it is estimated will be received during such fiscal year from any source.

Estimate to be levied with other taxes.

(§ 431.) SEC. 9. The common council of said city, with the consent of the board of estimates, may cause to be placed upon the general tax roll, and raised by tax the same as other taxes, such sum as they may think proper to be raised for each of the several objects of expenditure, estimated as aforesaid, the maintenance and improvement of said parks, public grounds and boulevards, or for the payment of any other expenses which said commissioners are by this act authorized to incur. The moneys so raised, as well as any other moneys received from any source, shall be paid into the city treasury and credited to a fund, to be styled the "park and boulevard fund," and shall be expended and paid out only for the purposes approved by the said common council and board of estimates.

Park and Boulevard fund

How paid out.

(§ 432.) SEC. 10. The commissioners shall have the power to expend and pay out of the moneys belonging to said fund for the purpose for which they are raised respectively, by warrants drawn upon said fund, signed by the president and secretary of said commissioners, which shall be paid by the city treasurer. No debt or liability of any kind shall be created by said commissioners during any one fiscal year in excess of the moneys then in said fund, or which may have been authorized to be raised by said common council for such year.

No debts shall be created by commissioners.

May receive donations.

The commissioners may receive donations or bequests of money or property, which shall be used for the maintenance and improvement of the grounds under their charge, or either of them, as contemplated by such donation and bequest.

Belle Isle bridge a part of Belle Isle park.

(§ 433.) SEC. 11. The bridge connecting Belle Isle with the mainland and its approaches shall, for the purposes of this act, constitute a part of Belle Isle park, and said commissioners shall have

the custody and control of the same, subject to the general directions of the common council. Said commissioners may make all suitable and needful rules and regulations respecting the use of said bridge and its approaches by foot passengers, by animals and vehicles of every kind, including railway cars, engines or motors, and may prohibit the use of such bridge by such persons, animals, cars, engines or motors, as in their judgment may be injurious to the proper use of said bridge or park.* They may appoint the necessary engineers or bridge tenders, and provide for the payment of their compensation. But the making of repairs and the maintenance of said bridge shall be under the direction and supervision of the appropriate [department] departments of the city government, and subject to the authority of the common council; and the expense thereof shall not be made a charge upon the said park fund.

Commissioners to have control of.

Rules for use of

Engineers or bridge tenders.

Repairs and maintenance of.

(§ 434.) SEC. 12. Said commissioners shall receive no compensation for their services, and any one of them shall vacate his office in the event of his accepting or holding any other civil office; and any commissioner who shall be publicly nominated by any political convention for any office elective by the people, and who shall not decline the said nomination within ten days after he shall have been informed thereof, shall be deemed to have vacated his office.

Commissioners shall receive no pay for services.

Shall not hold other office.

(§ 435.) SEC. 13. The commissioners shall make an annual report to the common council of their doings, and of the expenditures made by them, and showing the situation and condition of affairs under their control. The common council may require a report from said commissioners at any time, and the records, books, papers and accounts of the commission shall at all times be subject to the inspection of the mayor, controller, or of any committee appointed by the common council for that purpose.

Annual report to common council.

Subject to inspection

*Note 14 appendix.

Exclusive use of parks, etc.

(§ 436.) SEC. 14. The grounds of which said commissioners may have the control, shall be used and enjoyed solely for the purposes for which they were established; *Provided*, That privileges for the hiring of boats and vehicles and other like purposes such as are usual in public parks, may be let by the commissioners for the current year; but the same shall be exercised and permitted only upon the same being subject to their supervision and direction, and to such orders, rules and regulations as they may make at any time.

Proviso relating to boats, etc.

Commissioners may make map of boulevard.

(§ 437.) SEC. 15. If at any time it shall appear that the lines of said boulevard, authorized by said act approved May twenty-one, eighteen hundred and seventy-nine, have not been legally laid out, or established as provided by said act, the commissioners may make and certify a map or plat showing the lines or location of said boulevard, and cause the same to be recorded in the office of the register of deeds for said county. The commissioners may receive conveyances granting to the city of Detroit lands for said parks, public grounds or boulevards, and with the approval of the common council, may agree with any person having an interest in any such lands for the purchase and conveyance to said city of the same. And with the consent of said common council may acquire by purchase or by legal proceedings in the manner hereinafter provided any lands or interest in land which may be found necessary for the opening of any park and enlargement or extension of any park or boulevard which may hereafter be laid out, located or established. And upon such acquisitions being made, to cause the proper conveyances to be made and recorded, and the purchase price thereof, as well as for any compensation to be paid for any lands which may be taken or condemned by proceedings taken therefor, as hereinafter provided, may be paid from the contingent fund of said city, or may be raised, if the common council shall so determine, by issue of bonds to be known as park and boulevard bonds, and which shall be signed, numbered, recorded, sold and issued, in

May purchase land.

May issue bonds by consent of council.

like manner as Detroit sewer bonds are by the city charter required and authorized to be made and issued.* And the moneys so paid or raised shall be exclusive of the amounts raised for maintenance and improvement as hereinbefore provided.

(§ 438.) SEC. 16. Whenever in the acquisition of any land which said commissioners may be authorized to acquire, said commissioners may find it necessary or expedient to make such acquisitions by legal proceedings, as hereinafter provided, said commissioners shall present to the recorder's court of the city of Detroit their petition, verified by one of their number, their secretary or attorney who may be appointed to conduct such proceeding, briefly setting forth the grounds and objects thereof, and praying that a jury of freeholders may be empanneled to ascertain and determine the necessity for the taking of such lands, and to determine or award the damages or compensation to be allowed to the respective parties entitled thereto for such takings. The petition shall set forth the description of lands sought to be acquired, the purposes for which the same are sought, the names and residences of the owners of such lands, or of other persons having interest therein, so far as known; and if any of such persons are infants, idiots, or of unsound mind, such fact shall be stated, with the age of such infants. It shall be competent to unite in such petition two or more distinct parcels of land, though owned by different persons, and parties having different interests or estate in any land or in any part thereof may be united as respondents in respect to the same in the petition.

Acquisition of land by legal proceedings.

Object of.

Necessity for.

Damage.

Description of.

Name of owners.

Incompetent persons.

(§ 439.) SEC. 17. Upon filing such petition the court shall make an order requiring all the persons named in said petition as owners or as having any interest in any of said lands, upon a day to be fixed, to appear and show cause, if any they have, why the prayer of said peti-

Proceedings of court in trial of petition.

*Note 15 Appendix.

Copy of petition shall be served on persons interested.

tion shall not be granted. A copy of said petition, with a copy of the order of the court thereon, shall be served on all the persons shown by the petition to be interested therein, at least five days before the day fixed for hearing. Proof of such service shall be filed in said court, and may be made by the affidavit of the person who made the same, or by the official certificate of the sheriff of the county in which said service may be made, his under sheriff or deputy, showing when such service was made by such officer.

(§ 440.) SEC. 18. Such service shall be made as follows:

Service of notice.

On residents.

First, When his or her residence is known, upon the persons interested, unless an infant under fourteen years of age, an idiot, or person of unsound mind, either personally or by leaving such copy properly directed at his or her usual place of residence, with some person of suitable age found living there;

On incompetent persons.

Second, If any person on whom service is made is an infant under the age of fourteen years, an idiot or person of unsound mind, and resides in this state, such service will be made as aforesaid, on his guardian, or, if none, then on the person who has the care of, or with whom such infant, idiot or person of unsound mind resides;

Non-residents.

Publication of notice.

Third, If the residence of any person so interested shall be unknown, or if he shall reside out of this state, then such service may be made by publishing a notice once a week for at least six successive weeks before the day of hearing, in some daily newspaper, published in the city of Detroit, which notice shall briefly state the object of the petition so far as such interested person is concerned, and a brief description of the land sought to be taken in which he is interested and if the postoffice address of such person be known, a copy of such petition and notice shall be deposited in the postoffice at Detroit, a least thirty days previous to the day of hearing directed to such person, at his place of residence or postoffice address, as near as may be

postage prepaid. Proof of such publication, or the mailing of such copy, may be made by affidavit and filed in said court.

Hearing of petitions.

(§ 441.) SEC. 19. On the hearing of the petition and in all subsequent proceedings, any infant, idiot or person of unsound mind, may be represented by his or her guardian, but if there shall be no such guardian or he shall not appear at the hearing to represent such infant, idiot or person of unsound mind, then the court shall, before proceeding with the hearing, appoint some disinterested person as guardian *ad litem*, to protect the interests of the person for whom he was so appointed, and the court shall likewise appoint a suitable person to represent and protect the interests of any person who may be stated in such petition, to have interests in said land, but whose name is unknown, or whose residence is unknown, or who is a non-resident of this state, and who does not appear in his own behalf, or is not otherwise represented.

Service of notice in cases not provided for.

(§ 442.) SEC. 20. In all cases not otherwise provided for, service of orders, notices, and other papers in the proceedings authorized by this Act, may be made as the said court or the judge thereof may direct.

May be adjourned

(§ 443.) SEC. 21. The day of hearing may be adjourned at the discretion of the court, and if at the hearing no sufficient cause be shown against the petition, the prayer thereof may be granted. It shall be competent for the commissioners, with leave of the court, or for the court for any good reason shown, to dismiss the petition as to one or more distinct parcels of land sought to be acquired, or as to one or more of the respondents, and to proceed with the residue. If the prayer of the petition is granted, the court shall order the sheriff of the county to select at least twenty-four persons, freeholders of said city, from whom a jury shall be empaneled in the cause, and the names of said twenty-four or more persons having been selected and

May be dismissed

returned by the said sheriff as directed by said order, the court shall thereupon cause such persons to be summoned by the usual process of *venire* to attend the court on a day to be named in said *venire* to serve as jurors; and shall then adjourn all further proceedings on said petition to the return day of said *venire*. Said *venire* shall be served by the sheriff or his deputies as in other cases. On the return day of said *venire*, the court shall proceed to empanel a jury of twelve disinterested freeholders from persons so drawn and summoned; and if such jury cannot be found from the persons who shall attend upon such summons, or if so many of the persons summoned shall be excused or shall be rejected by the court, upon challenge or otherwise, that there shall not be a sufficient number left to constitute a jury, the court shall order the sheriff of said county forthwith to summons immediately other freeholders of the said city to attend as jurors until a panel of twelve qualified jurors shall be obtained. Such jurors shall then be sworn to ascertain and determine the necessity of taking the several parcels of land sought to be taken for the purpose set forth in the petition, and if taken, to determine and award to each person entitled thereto the proper compensation to be allowed for his or her interests in the land so taken.* In empaneling a jury, the practice and proceedings shall be the same as in ordinary civil suits, so far as practicable. Two peremptory challenges shall be allowed to the commissioners, and the respondents collectively shall be entitled to the same number. If any juror, after being sworn, shall die or become unable to discharge his duties, the court may appoint another qualified person to serve in his place, who shall be sworn and take his place upon the jury, or may, in its discretion, empanel a new jury.

Jury to determine necessity of taking land.

Compensation for land taken.

Further duties of jury.

(§ 444.) SEC. 22. The jury shall hear the proofs and allegations of the parties and the arguments of counsel, and if so ordered by the court, shall go to the place of intended improvement in charge of an

*Note 16 Appendix.

officer, and upon, or as near as practicable, to any property proposed to be taken, and examine the premises. They shall be instructed as to their duties and the law in the case by the court, and shall repair, in the charge of an officer, and render their verdict in the same manner as on the trial of an ordinary civil suit. The testimony given shall be reported, all objections made and rulings of the court thereon, and exceptions taken, being noted by the regular court stenographer, and the charge of the court or instructions given to the jury shall likewise be reported by him. The jury shall consider and report in writing on each distinct parcel of land, and the interests in the same separately, and when all is finished bring the report into court, and the same shall be filed with the clerk. A disagreement of the jury as to one or more distinct parts of land shall not affect their report as to any lands in regard to which they have agreed; and upon such disagreement the court may, upon motion of the commissioners, with a view to further proceedings, permit the petition to be so amended as thereafter to relate only to the premises affected by such disagreement and to the persons interested therein, and may also cause a new jury to be drawn and empaneled, which new jury shall be drawn and empaneled in the same manner as above provided for the drawing of the original jury, and like proceedings as above provided shall thereupon be had as to the lands concerning which there was such failure to agree, and such new proceedings may be ordered by the courts as often as may be necessary.

Testimony shall be reported.

Disagreement of jury.

Petition may be amended

(§ 445.) SEC. 23. The court may allow the jury to take with them when they retire proper descriptions of the lands sought to be taken, as well as maps of the same, and of the premises adjacent thereto, showing the proposed improvement, and such other papers as the court in its discretion may deem it proper for them to have. The verdict of the jury may be set aside by the court and a new trial ordered for objections of law, and for matters of substance, but not for

Jury to have use of maps, etc

Verdict may be set aside.

objections as to matters of form, in the same manner and on the same grounds as in ordinary civil actions in courts of general jurisdiction, and amendments either in form or substance of the petition, process and proceedings may be allowed, but if by such amendments new parties are added to the proceedings an order shall be made for their appearance, and a copy thereof and of the petition shall be served as may be directed by the court, and the proceedings shall be adjourned a sufficient length of time to enable such service to be made and the party given a reasonable time in which to appear. The court may, before the jury is finally discharged, refer their verdict and finding back to them, for the correction of any errors, defects or insufficiences therein contained.

Court may confirm report.

(§ 446.) SEC. 24. The court, upon motion of the commissioners, may confirm any report made as aforesaid unless good cause shall be shown. But if such cause is shown, the court may set aside any report and order a new jury and new proceedings as in case of the failure of the jury to agree. And upon motion of said commissioners, as well as upon the motion of any of the respondents, may grant a new trial and order a new jury as [in] is case of the failure of a jury to agree. But motions for a new trial shall be made within two days after rendition of the verdict or within such further time as shall be allowed by the court, and if no such motion is made, or, being made, is overruled, the court shall enter an order confirming the verdict of the jury, and such order shall be final and conclusive as to all persons interested therein.

New trial may be had.

Motion for shall be made within two days.

Order of court after confirmation.

(§ 447.) SEC. 25. Upon the confirmation of any report, the court shall make a proper order declaring that all the title of the persons who have been made parties as interested in the lands in question (a description of which shall be embodied in said order) shall, upon payment, tender or deposit of the compensation as required by this act

become and be vested in the city of Detroit, its successors and assigns forever, for the uses and purposes for which the same was taken. A certified copy of such order may be recorded in the office of the register of deeds for Wayne county, and have the same effect as a recorded deed.*

(§ 448.) SEC. 26. Any party interested in any of the lands so sought to be acquired who shall deem himself aggrieved by such final order, or said commissioners, may appeal therefrom to the supreme court, which appeal shall be in writing and filed with the clerk of the court within five days after the making of said final order. The party so appealing shall, within ten days after the making of such order, draw up a statement in the nature of a bill of exceptions, containing so much of the evidence and other proceedings as shall be sufficient to fairly present the question to be raised thereon, and present the same to the judge for his signature, and shall at the same time serve a copy of the same on the attorney of the appellee, who may propose amendments thereto; and said judge shall within ten days after said bill is presented, cause said bill, if necessary, to be corrected according to the true facts of the case, and shall sign the same and file it with the clerk of said court, who shall forthwith make a transcript of the files and entries in said case, and certify such transcript with said bill of exceptions to the supreme court, who shall thereupon have full jurisdiction to determine the case. Assignments of error shall be made and filed as in cases determined on writ of error; if error shall be found the supreme court shall reverse the order, so far as it affects the party appealing, and remand the case [to] of the recorder's court, for further proceedings, where the case admits of the same, and said court may permit all amendments needful to limit such further proceedings to the premises affected by such appeal and the persons interested therein, or for the same purpose to permit a supplemental

Appeal may be taken.

Proceedings in.

*Note 17 Appendix.

petition to be filed; but in that case it shall not again be necessary to serve process or give new notice unless it be necessary in order to bring in new parties. Said court may cause a new jury to be drawn and empaneled and the case may be proceeded with in like manner as upon an original petition. The appeal of one or more persons interested in a final order shall not in any way affect said order as to the other persons interested therein who do not appeal, nor as to any lands or interests in lands in which the appellants have no interests.

Jurors' fees, etc.

(§ 449.) SEC. 27. Jurors in said proceedings, and all officers who shall render any services in said proceedings, shall be entitled to the same fees which are allowed for like purposes in ordinary cases of opening streets and alleys in said city, commenced in said recorder's court.* And the persons appointed to represent absent or other respondents, as above provided, shall be paid such sum as the court may deem reasonable, and the said expenses shall be paid by the city in like manner and out of the fund above mentioned from which compensation for land taken is directed to be paid.

Payment of compensation.

(§ 450.) SEC. 28. Within one year after the confirmation of the verdict of the jury, or after judgment of confirmation shall be affirmed on appeal, the commissioners shall pay or tender to the respective persons entitled to receive the same, damages and compensation awarded for taking such private property. And in case any person shall refuse the same, be unknown, or be a non-resident of said city, or cannot, with reasonable diligence, be found in said city, or for any reason be incapacitated from receiving his amount, or the right thereto be disputed or doubtful, the commissioners may deposit the amount awarded in such case with the city treasurer, who shall on demand pay the same over to any person entitled and competent to receive it, taking their receipt therefor. Upon such payment, tender or deposit

*Note 18 Appendix.

the commissioners may enter upon, take possession of, and convert such private property for the uses and purposes for which it was taken, and may remove all buildings, fences or other obstructions therefrom.

Original boulevard property vested in city of Detroit.

(§ 451.) SEC. 29. The estate, right, title and interest in any and all lands, which have heretofore become vested for the use of a boulevard in either of the townships of Hamtramck, Greenfield or Springwells, under the provisions of an act entitled "An act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the city of Detroit, and through portions of the townships of Hamtramck, Greenfield and Springwells, in the county of Wayne," approved May twenty-one, eighteen hundred and seventy-nine, and which lands are now included within the limits of the city of Detroit, are hereby transferred to and vested in the city of Detroit for the same use and purpose.

Previous act repealed.

(§ 452.) SEC. 30 From and after the due appointment and organization of the commission authorized by this Act, act number three hundred and seventy-four, local acts of eighteen hundred and seventy-nine, entitled "An act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the city of Detroit, and through portions of the townships of Hamtramck, Greenfield and Springwells, in the county of Wayne," approved May twenty-one, eighteen hundred and seventy-nine, shall become and be repealed; *Provided*, That such repeal shall not impair or affect any acts done or rights accrued or acquired under said act. (This Act is ordered to take immediate effect. Approved May 8, 1889.)

Proviso relative to property.

Commissioners may make rules as to sidewalks on the boulevard.

(§ 453.) SEC. 31. The commissioners may make rules and regulations as to sidewalks on the boulevard, and as to their width and location, and may describe the material and manner in which they shall be constructed on the several portions thereof. It shall be the

Owners and occupants to construct sidewalks.

duty of the owners and occupants of lands abutting on the boulevard to construct and keep all such walks in good repair and in suitable condition for travel thereon. Whenever in the judgment of said commissioners the construction or repairing of any sidewalk in front of or adjacent to any such lands is necessary they shall notify the owner, his agent or the occupant thereof to construct or repair said sidewalk; if for the construction of a new walk such notice shall specify the kind of material and the location where the same is required to be laid. Such notice shall further state the time within which such sidewalk is required to be laid or repaired. If the owner or occupant of any such lands shall neglect to construct or repair such walk within the time specified in such notice, the commissioners may cause the same to be constructed or repaired, and they shall thereupon report to the common council the amount of expense thereof, and the sum so reported shall be assessed upon the lands in front of or adjacent to which the said walk was built or repaired, which assessment shall be a lien on said lands until paid, and shall be levied and collected and in like manner and by the same officers as other assessments for the construction or repairing of sidewalks are levied and collected. If said commissioners shall deem the condition of any walk to be dangerous to persons traveling thereon, the owner of the premises in front of which such walk may be shall be considered in default, and the commissioners may proceed at once without notice to construct or repair the walk, and to report the amount of the expense to the common council for assessment on said premises, as above provided. The moneys received from collections of such assessments shall be credited to the funds from which the cost of construction or repair shall be paid, and any owner of lands so neglecting to build or repair shall be liable to the city for damages which shall be recovered against the city for any injuries received by any person by reason of such neglect. (As amended by Act approved May 29, 1893.)

Commissioners may construct walks.

Assessments for sidewalks.

Dangerous walks may be repaired or rebuilt by Commissioners.

BONDS FOR IMPROVEMENT OF THE BOULEVARD.

An Act to empower the Common Council of the City of Detroit to borrow money for the purpose of improving the boulevard.

(§ 454.) SECTION 1. *The people of the State of Michigan enact*, That for the purpose of the improvement of the broad street or boulevard, in and around the city of Detroit, established pursuant to act number three hundred and seventy-four of the local acts of the legislature of the state of Michigan, approved May twenty-one, eighteen hundred and seventy-nine, authorizing the establishment of such street or boulevard, the common council of said city, with the approval of the board of estimates thereof, shall have power to borrow upon the best terms it can make, and for such time as it shall deem expedient, a sum of money not exceeding five hundred thousand dollars, upon the credit of the city of Detroit, and shall have authority to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall be denominated, "Boulevard improvement bonds of the city of Detroit,' and shall bear interest at a rate not exceeding five per cent per annum. The controller shall keep an accurate register of all said bonds issued, showing the number, date and amount of each bond, and to whom the same was issued. And the money raised by such bonds shall be expended solely for the purpose of the improvement of said boulevard. (This Act is ordered to take immediate effect. Approved May 8, 1889.)

Common council may borrow money for boulevard.

Not to exceed $500,000.

May issue bonds.

BONDS FOR IMPROVEMENT OF BELLE ISLE PARK.

An Act to empower the Common Council of the City of Detroit to borrow money for the purpose of the improvement of Belle Isle Park.

Purpose of loan.

Authority to borrow and issue bonds.

Rate of interest.

Disposition of money.

Proviso.

(§ 455.) SECTION 1. *The people of the State of Michigan enact*, That for the purpose of the improvement of Belle Isle Park, in the Detroit river, the common council of the city of Detroit shall have power to borrow, upon the best terms it can make, and for such time as it shall deem expedient, a sum of money not exceeding four hundred thousand dollars, upon the credit of the city of Detroit, and shall have authority to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall be denominated "Park improvement bonds of the city of Detroit," and shall bear interest not exceeding five per cent per annum. The controller shall keep an accurate register of all said bonds issued, showing the number, date and amount of each bond, and to whom the same was issued. And the money received for such bonds shall be expended solely for the improvement of said Belle Isle Park: *Provided*, That not more than one hundred thousand dollars of said bonds shall be issued and expended in any one year.

Question to be submitted to electors.

Time of election.

(§ 456.) SEC. 2. Such money shall not be borrowed, nor such bonds issued, unless a majority of the qualified electors of the city of Detroit, voting at the annual charter election to be held in said city in eighteen hundred and eighty-nine, voting on said loan, shall so determine; and the common council of said city is hereby authorized

and required to give notice of submitting the question of said loan to the qualified electors of said city by giving due notice thereof, and causing the date, places of voting and object of said election to be stated in printed or written notices and posted in six public places in each voting precinct in said city, not less than six days before said election, and publishing the same in one or more of the daily papers published in said city for three days prior to said election, which notices shall state the amount of money proposed to be borrowed and the amount of bonds to be issued. Notice thereof.

(§ 457.) SEC. 3. The vote upon such proposition shall be by ballots, either written or printed, or partly written or printed; ballots in favor of such proposition shall be in the following words: "For issuing park bonds—Yes;" and the ballots against the same shall be in the following words: "For issuing park bonds—No;" and it shall be the duty of said common council to provide at the polls of each voting precinct of said city during the whole time while the same shall be open, a sufficient number of said ballots, both for and against such proposition, as shall be necessary to supply all the electors desiring to vote thereon; the election shall be conducted, the votes canvassed and returns made in all respects as in other elections held in said city, and immediately upon the conclusion of such canvass the board of city canvassers of said city shall make and sign a certificate showing the whole number of votes cast upon such proposition, and the number for and against the same respectively, and said city canvassers shall indorse upon such certificate a declaration in writing of the result of such election, which certificate and declaration shall then be filed with the city clerk and entered at large upon the records of said city, and a copy of said certificate and declaration, certified to by said city clerk, shall be filed by him with the county clerk of Wayne county. (This Act is ordered to take immediate effect. Approved June 21, 1889.) Vote to be by ballot. Ballots. Canvass of the votes.

LANDS FOR PARKS OUTSIDE OF CITY LIMITS.

An Act to authorize the City of Detroit to acquire land outside of the limits of said city, for use as public parks, public grounds and boulevards, and to regulate and improve the same.

Commissioners may receive donations of lands.

(§ 458.) SECTION 1. *The people of the State of Michigan enact*, That the "commissioners of parks and boulevards" of the city of Detroit shall have power to receive donations or bequests granting to the city of Detroit lands in the county of Wayne, and distant not to exceed four miles from the corporate limits of said city, for use as public parks, public grounds or boulevards; and in all respects to devote such lands to such public or corporate purposes as are the parks, public grounds and boulevards already established in and about said city.

Police Commissioners shall have police powers over lands donated.

(§ 459.) SEC. 2. The commissioners of metropolitan police for the city of Detroit shall have full police powers and jurisdiction over the lands so acquired, the same as though such lands were within the corporate limits of the city of Detroit, and upon request of said "commissioners of parks and boulevards" may detail for service in any of such grounds so many of the police force as may be necessary to maintain order and protect the property thereon, and any policeman on duty on said ground may remove therefrom any person who may violate any of the rules and regulations of said commissioners.

May detail policemen.

Extension of public lighting, fire, water and sewerage systems.

(§ 460.) SEC. 3. The common council of said city shall have power to authorize the extension of the public lighting, fire, water and sewerage systems of the city to said parks, public grounds or

boulevards, whensoever the said "commissioners of parks and boulevards" shall request and the said council shall deem the same advisable: *Provided*, That the construction of such extensions shall be without cost to the city.

Powers to be exercised under charter and Park and boulevard act.

(§ 461.) SEC. 4. The powers conferred by this Act shall be exercised and carried out in compliance with the city charter and the acts creating the board of estimates and board of "commissioners of parks and boulevards" of said city. (Approved May 25, 1893.)

ESTABLISHMENT OF BOULEVARD.

An Act to provide for the establishment and maintenance of a broad street or boulevard about the limits of the City of Detroit and through portions of the townships of Hamtramck, Greenfield and Springwells, in the County of Wayne. (Act No. 374, Local Acts, 1879, approved May 21st, 1879.)

This Act having become inoperative by annexation to the city of Detroit, of the portions of the township in which the boulevard was laid out and by the enactment of the law creating the "commissioners of parks and boulevards," only those portions relating to the organization of the "board of boulevard commissioners" and to the laying out of the boulevard are printed in this compilation.

(§ 462.) SECTION 1. *The People of the State of Michigan enact* That in the city of Detroit and in the townships of Hamtramck Greenfield and Springwells, in the county of Wayne, there shall be established a board of commissioners, to be known as the "board of boulevard commissioners," who shall be a body corporate and politic, and shall have power to sue and be sued, and such express powers and duties as shall be prescribed by this Act, and such implied powers and duties as shall be necessary and proper to carry into execution and effect the express powers and duties herein prescribed.

Establishment of board.

(§ 463.) SEC. 2. The said board shall be composed of the following members (until reduced in number as provided in section four of this Act), one to be appointed from each of the said townships by

Board, how composed.

the township board thereof, and the remaining members of the said board shall be the mayor and the several members of the board of public works of the city of Detroit.

(§ 464.) SEC. 3. The township board of each of the said townships shall meet on the first Monday of April, in the year one thousand eight hundred and eighty, and every three years thereafter, and appoint a member of the said board of boulevard commissioners, and on failure so to appoint, the said township board may, on application of ten or more resident freeholders of such township, be compelled by the supreme court, by appropriate remedy, to exercise the power of appointment conferred by this Act.

Townships may be compelled to appoint members of board.

(§ 465.) SEC. 4. Each of the members of the said board appointed from the several townships aforesaid shall signify his acceptance of the office in writing, and shall hold such office for the term of three years, from the first Monday in April of the year in which, by the provisions of this Act, he should be appointed, and until his successor has been appointed and, in like manner, has accepted his office; *Provided, however*, That if at any time hereafter the limits of the city of Detroit, or any of the said townships, shall be so changed that no portion of line of the boulevard herein provided for shall lie within the limits of any one or more of said townships, then the office of the then commissioners from such township or townships, as the case may be, shall cease and become vacant, and no commissioner shall thereafter be appointed from such township or townships.

Term of office.

(§ 466.) SEC. 5. The mayor of the city of Detroit shall be *ex officio* president of the said board of boulevard commissioners, and a majority of the said board shall constitute a quorum for the transaction of business.

Mayor to be president.

Quorum.

Location of line of boulevard

(§ 467.) SEC. 6. The said board of boulevard commissioners shall have power and authority to determine, locate and establish the line of a broad street or boulevard, not less than one hundred and fifty feet nor more than feet in width, about the limits of the city of Detroit, and through portions of the townships of Hamtramck, Greenfield and Springwells, in the county of Wayne, which line of said boulevard shall commence on Jefferson avenue in the township of Hamtramck, and may run through such portions of the outer limits of the city of Detroit, and such portions of the said townships as said board of boulevard commissioners shall determine.

Maps.
Survey.

(§ 468.) SEC. 7. The said board shall have power and authority to make all surveys, maps and plats necessary and proper to the due execution of the powers and duties prescribed by this Act, and the said board, and all persons by them authorized, or acting under their direction, are authorized to enter upon private property for the purposes of determining, locating and establishing the line of the said boulevard, and of making and prosecuting all such necessary and proper surveys. The said board, in determining, locating and establishing the line of the said boulevard, may mark the lines and limits thereof at suitable and convenient points by means of stakes or other suitable monuments.

Recording of maps.

(§ 469.) SEC. 8. Whenever the said board shall have determined and located the line of the said boulevard, they shall make, or cause to be made, a map or plat of the said boulevard, on a suitable scale, and showing the width, courses, distances, and other suitable *indicia* of location, and shall certify the same, and cause it to be recorded in the office of the register of deeds of the county of Wayne. They shall also make or cause to be made, like maps or plats, on suitable scales, of the several portions of the said boulevard included within the limits of the city of Detroit, and of the several townships aforesaid, which maps and plats last mentioned shall be filed as follows: The

map or plat of that portion of the said boulevard lying within the limits of the city of Detroit shall be filed with the city clerk of said city, and the maps or plats of the several portions lying within the townships aforesaid shall, respectively, be filed with the township clerk of the township within which the portion of the said boulevard covered by the said map or plat is situated. Upon the filing of the map or plat of the whole of said boulevard with the register of deeds aforesaid, for record, the line and location of the said boulevard shall be deemed to be finally established, and shall not be changed without the united consent of the said board of boulevard commissioners, the common council of the city of Detroit, and the township boards of such of the townships within the limits of which any portion of the said boulevard may be situated.

How location may be changed.

(§ 470.) SEC. 9. When the line and limits of the said boulevard shall be established by the said board, as above provided, any person competent to convey real estate owning lands within such limits, or any interest in such lands, may thereupon grant and convey the same to the township or city within which the said lands are situated. Such grant or conveyance may be made by any lawful instrument for the conveyance of real estate in this state, and shall be to the city or township in which the lands described therein are situated. Delivery of such deed may be made to the said board of boulevard commissioners, and the same may be recorded in like manner as deeds of real estate under the recording laws of this state. Upon the execution and delivery of such deed, all the estate, right, title and interest of the grantor therein shall pass to and rest in the grantee therein for the uses and purposes of such boulevard.

Conveyance of real estate.

(§ 471.) SEC. 10. The proper authorities of the city of Detroit shall have like power to open the said boulevard within the limits established by the said board, and condemn private property for the

Power to condemn land.

uses and purposes thereof, like proceedings being taken as are or may be provided by law for the opening of streets in said city.

Condemning land in townships.

(§ 472.) SEC. 11. The proper authorities of the several townships through which said boulevard passes shall have like power to open the same and condemn lands for the uses and purposes thereof, like proceedings being taken as are or may be provided by the general laws of the state for opening highways.

Boulevard to be common and public.

(§ 473.) SEC. 12. Whenever the said boulevard or any part thereof shall be opened, either by grant or conveyance, or by proceedings *in invitum*, the same shall, under such reasonable rules and regulations as shall be adopted by the said board of boulevard commissioners, be common and public for the uses and purposes of such boulevard.

Line to be first located.

(§ 474.) SEC. 13. The city of Detroit and the several townships aforesaid shall exercise the power conferred upon them respectively by sections sixteen and seventeen of this act, when the line of the said boulevard shall have been established, and not before, and shall exercise such powers only when, and as long as some portion of the line of said boulevard shall be situated within the limits of said city or of said townships, respectively.

City to pay expenses of survey, etc.

(§ 475.) SEC. 15. The common council of the city of Detroit shall have power to provide for the payment of the expenses of surveying, locating and establishing the line and limits of the said boulevard throughout, and the expenses of making, recording and filing the necessary and proper maps or plats therefore as contemplated by this act. The common council may also require the city engineer of the city of Detroit, and his assistants, to render such services and assistance to the said board of boulevard commissioners, and under the order and direction of the said board, as shall be necessary and proper in surveying, locating and establishing the line and limits of the said boulevard, and in making the maps and plats last aforesaid.

City engineer to assist in survey and in making maps and plats.

CHAPTER XX.

PUBLIC SCHOOLS.

An Act relative to free schools in the city of Detroit. (Approved February 24th, 1869, and amended March 28th, 1873, March 11th, 1881, and June 8th, 1883.)

(§ 476.) SECTION 1. *The People of the State of Michigan enact,* That the city of Detroit shall be considered as one school district, and all schools now organized and hereafter to be organized therein, in pursuance of this act, shall, under the directions and regulations of the board of education, be public and free to all children residing within the limits thereof, between the ages of five and twenty years, inclusive. Organization of board.

(§ 477.) SEC. 2. The board of education of the city of Detroit shall consist of sixteen school inspectors, to be elected one from and by each ward in the said city at the spring election, held every alternate year, when judges of the supreme court are now required to be elected. At the spring election of the year eighteen hundred and eighty-nine, one inspector for each ward shall be elected. Those elected in the first, second, third, fourth, fifth, sixth, seventh and eighth wards shall hold office for two years only. Those elected from the remaining wards shall be elected for four years. At the expiration of the term of those elected for two years their successors shall be elected for a period of four years, and thereafter all members of said board shall be elected for a period of four years. The votes to be cast for such inspectors shall be deposited in separate Board of Education, of whom to consist. Terms of office. Votes cast.

Manner of holding elections, etc.

ballot boxes from those used for other than city officers, and the election shall be held and votes canvassed in the manner provided by the laws governing city elections. The inspectors now in office shall cease to hold office, and their powers shall be vested in the new board aforesaid on the first day of July, in the year eighteen hundred and eighty-nine.

Vacancy, how filled.

(§ 478.) SEC. 3. In case of any vacancy or vacancies in the office of school inspector by death, resignation, refusal to accept office, failure to elect, or otherwise, the mayor may nominate and the common council may confirm the nomination of suitable persons to fill such vacancy or vacancies, and the person thus appointed shall hold office until his successor is elected, which shall be done at the next regular election for members of the board. (As amended by act approved March 6, 1889.)

Penalty for refusing to act as inspector.

(§ 479.) SEC. 4. Every person elected to the office of school Inspector, who, without sufficient cause, shall neglect or refuse to serve, shall forfeit to the Board of Education, for the use of the public library, the sum of ten dollars, to be recovered in an action of debt in some competent court; and the said board shall make all necessary rules and regulations relative to its proceedings, and punish, by fine not exceeding five dollars for each offense, any member of the board who may, without sufficient cause, absent himself from any meeting thereof, to be collected as they may direct: *Provided*, That no person shall be compelled to serve two terms successively; *Provided, also*, That the removal of any member of the Board of Education from the ward for which he is elected school inspector, after such election, shall not operate to vacate his office, but notwithstanding such removal, any inspector so removing shall continue to hold his said office to and be a member of said board. *Provided, however*, that the removal of such member shall not be from the city.

Proviso.

Further proviso

Proviso.

(§ 480.) SEC. 5. The school inspectors, together with the mayor and recorder of said city (who are declared to be *ex-officio* school inspectors, having a right to a seat at the meetings of the board for the purpose of deliberation, but who shall have no vote therein), shall be a body corporate, to be known and distinguished by the name and style of "The Board of Education of the City of Detroit," and in that name may be capable of suing and being sued, and of holding and selling and conveying real and personal property as the interest of said free schools may require. Ex-officio members of board. Corporate name. Suits by and against.

(§ 481.) SEC. 6. The Board of Education (a majority whereof shall form a quorum) may meet, from time to time, at such place in said city as they shall designate. They may elect one of their own number president, and in the absence of the president at any meeting, a majority of the inspectors present may choose one of their number president *pro tem.* Meetings of board and election of officers.

(§ 482.) SEC. 7. The said board shall, at the first regular meeting in July after the passage of this act, and on the first regular meeting in July of every third year thereafter, appoint a suitable person as superintendent of the public schools under their control, who shall hold his office for the term of three years, or until his successor shall be appointed and enter upon the performance of his duties: *Provided*, That if such appointment shall not be made at the first regular meeting in July, the same may be made at any subsequent regular meeting; but the term of office of the appointee shall commence and date from said first regular meeting in July: *And provided further*, That the office of the present incumbent shall not be deemed to have been vacated by this act, but he shall hold his office until the first regular meeting in July subsequent to the time when this act shall take effect, or until his successor shall be elected and enter upon the performance of his duties. The superintendent shall receive such salary Superintendent of schools. Proviso. Further proviso Salary of superintendent.

as shall be fixed by the board: *Provided*, That the same shall not exceed four thousand dollars per annum. The said board may appoint a secretary of said board, who shall hold his office during the pleasure of said board, or until his office shall otherwise become vacant. The board may prescribe his duties and compensation: *Provided*, That when the office of secretary and superintendent shall be held by the same person, he shall receive no compensation for his services as secretary. The board, if it deem it expedient, may direct the superintendent to perform the duties of said office of secretary, and he shall thereupon be *ex-officio* secretary of said board. The said board shall also, at the same meeting in July, appoint a treasurer of said board, who shall have the keeping of all moneys belonging to said schools, and said treasurer shall not pay out or expend the school moneys without the authority of said board; and said treasurer shall also be required to give bonds, in such penal sum as the board shall deem necessary, for the faithful performance of his duties.

Proviso.

Secretary of board.

Proviso.

Treasurer of board and duties of.

Bonds of treasurer.

(§ 483.) SEC. 8. The board of education shall have full power and authority, and it shall be their duty to apply for and receive from the county treasurer or other officer, all moneys appropriated for primary schools and Detroit library of said city, and to designate a place where the library may be kept. The said board shall have full power and authority to make by-laws and ordinances relative to taking the census of all children in said city between the ages of five and twenty years. Said board may appoint one or more persons to take such census, and may prescribe their duties and compensation. The said board annually shall direct their president and secretary, on behalf of said board, to report to the common council of said city, on or prior to the fifteenth day of April in each year, the number of children in said city between the ages of five and twenty years; and such report shall be deemed conclusive, as to the number of such children, for the purpose of taxation as hereinafter provided. Said board shall

The board to receive all moneys appropriated for school and library purposes

Census, how taken.

Annual report of number of children between the ages of 5 and 20 years in the city.

also have authority to make by-laws and ordinances relative to making of all necessary reports and transmitting the same to the proper officers, as designated by law, so that said city may be entitled to its proportion of the primary school fund; relative to visitation of schools; relative to the length of time schools may be kept, which shall not be less than three months in each year; relative to the employment and examination of teachers, their powers and duties: relative to regulation of schools, and the books to be used therein; relative to the appointment of necessary officers, and prescribing their powers and duties; relative to anything whatever that may advance the interests of education, the good government and prosperity of the free schools in said city, and the welfare of the public concerning the same. By-laws and ordinances, etc.

(§ 484.) SEC. 9. The recorder's court shall have jurisdiction of all suits wherein the said board may be a party, and of all prosecutions for violation of its by-laws and ordinances. Recorder's Court has jurisdiction to try offenses arising under ordinances of board

(§ 485.) SEC. 10. The said board shall annually publish in some newspaper of the city (or pamphlet form), a statement of the number of schools in said city, the number of pupils instructed therein the year preceding, the several branches of education pursued by them and the expenditures for all things authorized by this act. Annual statement.

(§ 486.) SEC. 11. The Board of Education shall establish and maintain a district library: *Provided*, That the said Board of Education may, in its discretion, elect a board of commissioners of the public library of Detroit, to which it may transfer the care and custody of the funds and property of such district library. Such board of commissioners shall not be members of the Board of Education, except in the cases hereinafter mentioned, and when elected shall be clothed with all the powers for the management and control of the library now vested in the Board of Education, and shall consist of six members, Library Commission. Powers and duties.

who shall be elected by the Board, and shall hold their office for six years, except that the members of the first board shall be chosen for the terms of one, two, three, four, five and six years, respectively. Of this board of Commissioners the president of the Board of Education shall be a member *ex-officio*, and it shall make annual reports to the Board of Education of the condition of the library and its funds. One member of such board of commissioners shall be elected annually in place of the member whose office expires in that year, and vacancies for any cause may be filled at any time by the election by the Board of Education of a person or persons to fill such vacancy. Such board shall be known as the "Detroit Library Commission," and may in that name exercise control over the library and all funds and property connected with or belonging to it. A special library tax of one-fifth of one mill on the dollar on property assessed for city purposes shall be levied each year with the other city taxes and paid over to said commission. The treasurer of the Board of Education shall be *ex-officio* treasurer of said Commission, and hold moneys belonging to the library fund, or to said commission, subject to their disposal. Such commission may appoint, remove or otherwise control, all persons employed in such library, and fix their compensation from time to time, in their discretion, and may appoint such officers as they see fit for their own business. (As amended March 11, 1881.)

Term of.

Vacancies, how filled.

Tax for library purposes.

Treasurer of.

Public library building.

(§ 487.) SEC. 12. For the erection of a public library building on any land now owned or leased; or which may hereafter be owned or leased by the board, the board shall first cause to be submitted to the citizens' meeting of said city, or any board or body created and vested with the powers of finally approving the estimates of the general taxes of the city and determining the amount thereof, a statement of the estimated expense of such building, and its fixtures and furniture, not exceeding one hundred and fifty thousand dollars, together with the amounts which it is deemed expedient to be raised during

each year for a period not exceeding three years, to defray the cost of such building, fixtures and furniture. Said meeting, board or body shall thereupon proceed to consider said estimate, and may reduce the amount to be raised in any one year, or it may reduce the total amount or the time of raising the same beyond the three years; or, said estimate may be rejected altogether. If a majority of such meeting, board or body shall consent to levying the amounts specified in said estimate, or any part thereof, and the board of education shall, within one week thereafter, file its acceptance thereof with the clerk of the said city, the common council shall direct the same to be levied, assessed and collected in such amounts during the respective year as said meeting, board or body shall have given consent therefor, and in like manner as other general taxes are levied, assessed and collected: *Provided.* That it shall be competent for the common council to issue the bonds of the city for the whole or part of the amount as aforesaid consented to by said meeting, board or body; said bonds to run not more than twenty years, but to be payable at any time after five years, and to bear interest at the rate of seven per cent per annum: *And provided, further*, That in case said bonds are issued, the common council shall provide for the payment of not less than five per cent. of the same per annum. All moneys realized from the issue and sale of said bonds, or from any tax levied and collected in pursuance of the provisions of this section, shall be paid to the treasurer of said board of education for the purposes hereinbefore mentioned.

Proviso.

Further proviso

Moneys to be paid to treasurer of Board.

(§ 488.) SEC. 13. It shall be the duty of the board of education of said city to annually make an estimate of the amount of taxes deemed necessary for the ensuing or the current year, for all purposes of expenditure within the power of said board, which estimate shall specify as near as may be the amounts required for the different objects of expense, including teachers' salaries, purchase of lots for

Annual estimates made by Board.

buildings, repairs, fuel, and general current expenses; and shall cause said estimate to be laid before the common council of said city on or before the fifteenth day of April in each year; and it shall be the duty of the said common council to place upon the general city tax rolls in said city, and cause to be levied the same as other city taxes, the amount of such estimated expenditures, excepting for purchase of lots and erection of new buildings, with the necessary outhouses, fixtures and furniture; which tax roll shall be collected the same as other taxes raised to defray the general expenses of the city; and said money shall be disbursed by authority of said board of education for the maintenance of said schools, and for no other purpose.

Sub m common council; when.

Placed on tax rolls.

Proviso; per capita tax.

Provided, That the amount of said estimate and tax shall not be less than four dollars for every child in the city between the age of five and twenty years. The number of children to be ascertained by the last report on that subject, which may have been made to the common council of said city by said board of education, as provided by this act: *And provided further*, That if the amount of any such estimates shall exceed five dollars for every such child, the common council may approve or disapprove of such excess or some part thereof; and only that portion of such excess as shall be so approved by said council shall be so levied and assessed.

Proviso; per capita tax.

§ 489.) SEC. 14. It shall be the duty of said board to transmit to the common council of the city of Detroit, on or before the fifteenth day of February in each year, an estimate of the amount of moneys which said board may deem necessary for the purchase of lots and the paying for lots already purchased for the use of the free schools of said city, and for the purpose of erecting school houses, with the necessary fixtures and furniture, on any lot now owned by said board, or which said board may hereafter acquire; and the common council shall cause to be levied and collected, in addition to all other taxes authorized by law to be assessed in said city, the amount of moneys

Estimates for purchasing lots and for buildings.

Taxation for lots and buildings.

mentioned in said estimate, or such part or portion thereof as the common council may approve. And the said tax when levied and collected shall be paid to the treasurer of said board of education for the purpose hereinbefore stated: *Provided*, That it shall be competent for the common council of the city of Detroit to issue the bonds of said city for the whole or any part of the tax authorized by this section to be levied and collected. Said bonds to be payable at the expiration of thirty years and bear interest at a rate not exceeding four per cent: *Provided further*, That the levying of said tax shall be submitted to the board of estimates of said city, and only such part or portion of the estimates of said board of education as aforesaid as shall be approved by the board of estimates shall be levied and collected as aforesaid, but the sum of money to be assessed, levied and collected in said city in the year eighteen hundred and ninety-three, eighteen hundred and ninety-four and eighteen hundred and ninety-five, respectively, for the purposes mentioned in this section, shall not be less than one hundred and fifty thousand dollars in each year. In addition to the issue of bonds hereby authorized, the common council are hereby authorized to at once issue the bonds of said city for the sum of three hundred thousand dollars, payable at the expiration of thirty years, and bearing interest at the rate of four per cent, and the said sum of money when received thereon shall be paid to the treasurer of said board of education, in lieu of the moneys which were voted by the common council and approved by the board of estimates, to be raised by issue of bonds for the purposes mentioned in this section for the year eighteen hundred and ninety-two, as provided by said act number three hundred and ninety-seven, of the laws of eighteen hundred and ninety-one. (As amended by act approved May 23, 1893.)

Common council may issue bonds in lieu of taxation.

Estimates of taxes to be submitted to board of estimates.

Bonds for $300,000.

(§ 490.) SEC. 15. Repealed by act approved May 23, 1893.

Receiver of taxes notifies board of amount of school tax collected.

(§ 491.) SEC. 16. When the collectors of the said city shall have made their final returns of the collection of taxes, the receiver of taxes of said city shall thereupon notify the secretary of said board of education, stating the whole amount of school tax provided for in this act, the amount collected, and the amount returned to them as unpaid or uncollected.

City Treasurer pays school moneys to treasurer of board.

(§ 492.) SEC. 17. The city treasurer shall, on the order of the said board, pay to the treasurer of the said board of education, the moneys accruing from the taxes provided for in this act, for the support of the said free schools, taking his receipt therefor, indorsed on the back of the president's order, and also a duplicate receipt, which he shall file with the secretary of the said board.

School tax to be separate on tax rolls.

(§ 493.) SEC. 18. That all taxes which have been or may hereafter be assessed and levied by the common council, under and by virtue of the authority conferred by this act, shall be set forth in the assessment roll of said city, in a separate column, apart and distinguished from all other city taxes.

Board may borrow for temporary purposes.

(§ 494.) SEC. 19. The said board of education may, from time to time, on such term or terms of payment as they may deem proper, borrow a sum or sums of money for temporary purposes, not exceeding in all the sum of fifteen thousand dollars ($15,000), for the purposes of the free schools, as specified in this act, and to issue the bonds of said board in such form, and executed in such manner as said board may direct. The bonds issued under this act shall be a charge upon all the property of said board, which shall constitute a security for the payment thereof: *Provided*, That the said board shall issue no bond for a less sum than five hundred dollars ($500).

Proviso.

Non-resident paying taxes may send children to public schools.

(§ 495.) SEC. 20. Any non-resident actually owning or occupying real estate within the city of Detroit, and paying school taxes thereon, may send any scholars who are members of his own family

to the schools of said city, under such regulations as the board of education may adopt, and the school taxes thus actually paid shall be deducted from the charge of tuition which may be established for non-resident pupils.

Acts repealed

(§ 496.) SEC. 21. All acts or parts of acts inconsistent with this act, heretofore passed, pertaining to the said free schools of the city of Detroit, are hereby repealed. There shall be added to said act new sections, as follows:

Common Council may pass certain ordinances to preserve peace in schools, etc.

(§ 497.) SEC. 22. The common council of said city of Detroit shall have power to pass ordinances providing for the maintenance of good order in the public schools of said city, and to prevent any noise, confusion or disturbance in or about the same, and to enforce all reasonable rules and regulations of said board relating to the same matters; also, to prohibit and prevent the defacing, injury, or destruction of any buildings, furniture, fences, or other property belonging to or used by said board of education.

Not to receive compensation or be interested in any contract.

(§ 498.) SEC. 23. No inspector shall receive any compensation during his term of office, either as inspector or for services rendered to the board in any other capacity or manner; and no inspector shall be interested directly or indirectly in any contract made by said board on its account. (As Amended March 11, 1881.)

Board of Education may submit any measure or question to qualified voters.

(§ 499.) SEC. 24. The board of education of the city of Detroit may, when so authorized by a majority vote of its members, submit to the qualified voters of the school district comprising the city of Detroit, any measure or question not coming under its general power or authority for adoption, which said board may deem just and proper toward the prosperity of, and the advancement of education in the free schools of the city of Detroit; including the submission of the question of the use of free text books in the free schools of said city. Upon the adoption of any such measure or question by said board, as

aforesaid, or the adoption of free text books, by the majority vote of said board, said board shall submit said measures or questions to the qualified voter of said school district, at the next ensuing annual city election, and said qualified voters shall be entitled to vote upon any such measures or questions as aforesaid at said city elections:

Proviso. *Provided*, That the secretary of said board of education shall file with the city clerk of Detroit a notice in writing of the adoption by the majority vote of said board, of any such measure or question, together with a draft in writing of the form and purport of said measure or question to be so submitted to said voters for adoption or rejection. Said notice to be under the seal of said board, and to be so filed with the said city clerk at least twenty days before any such election. Upon the receipt of said notice, said city clerk shall cause the same to be published in accordance with the laws of this state applicable to and governing annual city elections in said city of Detroit.

Manner of conducting elections, etc. The manner of conducting said elections, the method of submitting said methods or questions and the voting upon the same, the keeping of the poll list, the canvassing of votes, the certifying of returns upon the same, and all other proceedings connected with the practicable submission of said measures or questions, including the providing of, the printing and delivery of, and the distribution of ballots, shall be the same, as nearly as may be, and as now is, and as hereafter may be provided for by the laws of this state governing city elections: *Provided further*, That any such measure or question submitted, as aforesaid, to the electors of said district, shall be placed on a separate ticket or ballot, and the same deposited by the inspectors of election in separate ballot boxes to be provided by the city of Detroit for that purpose, and the clerks of election shall make a separate poll list, which shall contain the names of all women voting at said election upon such measures or questions. If a majority of the qualified electors of said districts so vote in favor of the fur-

nishing of free text books by said board in said district, said board of education shall have full power and authority, and it shall be its duty, to advertise for bids under the rules and regulations of said board, and to purchase such books from the party or parties making the lowest bid for the furnishing of the same to said board, and said board shall, as soon as practicable, after purchasing the same, supply the free schools in the city of Detroit with the said free text book. If a majority of the qualified electors of said district at any such election either adopt or reject any such measure or question so submitted by said board, then said board of education shall abide by the result so voted upon. (As amended by act approved June 8, 1891.)

Qualifications of electors.

(§ 500.) SEC. 25. The qualifications of electors in the school district comprising the city of Detroit shall be the same as those prescribed by the laws of this state, and the United States, for voters at large at general city elections: *Provided*, That women of or above, the age of twenty-one years shall be qualified to vote in said school district upon any such measures or questions, including the question of free text books, submitted as aforesaid, subject to the same qualifications and regulations as those applicable to, and governing the voters of male citizens upon such measures or questions as aforesaid. (As amended by act approved June 8, 1891.)

Proviso

Proceedings of Board to be submitted to mayor for approval.

(§ 501.) SEC. 26. Every resolution or proceeding of the said board of education whereby any liability or debt may be created, or originating the disposal or expenditure of property or money, shall, before it takes effect, be presented by the secretary of said board to the mayor of the said city of Detroit. If the mayor approve thereof, he shall thereon write his approval, with the date thereof, and sign the same, and thereupon such resolution or proceeding shall go into effect; and such as he shall not so approve and sign he shall return to the board with his objections thereto in writing under cover,

Mayor may veto.

sealed and addressed to said board. If the mayor shall neglect to approve as aforesaid any resolution or proceeding, or return the same as aforesaid with his objections within five days after the same shall have been presented to him by the secretary as before provided, the same shall go into effect. Upon the return, as aforesaid, of any proceeding, the board receiving such matter with the objections of the mayor shall proceed to reconsider the vote by which the same was passed and adopted, and if after such reconsideration two-thirds of all the members elected to said board shall agree by ayes and nays, which shall be entered of record, to pass or adopt the same, it shall go into effect. The secretary shall, at the time of presenting any resolution or proceeding to the mayor, make a certificate in which he shall specify the day on which the same was so presented, and such certificate shall be reported to the said board and recorded in the proceedings of said board. (Added by act approved May 23, 1893.)

If mayor veto board to reconsider, etc.

Secretary to make certificate of presentation of proceedings to mayor.

ENLARGING AND IMPROVING THE LIBRARY BUILDING.

To authorize the city of Detroit to raise money for the purpose of enlarging and improving the public library building in said city.

(§ 502.) SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Detroit be and it is hereby authorized and empowered to borrow a sum of money not exceeding one hundred and fifty thousand dollars on the faith and credit of said city, and upon the best terms that can be made, and to issue the bonds of said city to an amount not exceeding that sum, pledging its faith and credit for the payment of the principal and interest, but said bonds shall not be negotiated at less than their par value. Said bonds shall be denominated "Public library bonds of the city of Detroit," shall be regularly dated and numbered in the order of their issue: shall be for sums not less than five hundred dollars each; shall bear interest not exceeding six per cent per annum; shall be payable in not exceeding twenty years from date, and shall be issued under the seal of the corporation, signed by the mayor and countersigned by the controller. The controller shall keep an accurate record of said bonds, showing the class of indebtedness to which they belong, the number, date, and amount of each bond, its rate of interest, when and where the same is payable and the person to whom it is issued. No bond shall be issued under this act until the issue of the same shall have been authorized and approved by the board of estimates of the city of Detroit.

Common Council authorized to issue bonds.

Controller to keep accurate record of said bonds.

Common council may raise money by taxation.

(§ 503.) SEC. 2. The common council shall have power, in its discretion, to raise the sum of money above mentioned, or such part thereof as it may deem advisable for the purposes herein set forth, by taxation: *Provided*, That the amount levied in any one year shall not increase the total city taxes levied for that year beyond the limit provided by the charter of the city of Detroit. In case the common council shall decide to raise said money by taxation, instead of by loan, such tax shall be levied and collected in the same manner as city taxes are usually levied and collected.

Proviso.

All moneys to be paid to city treasurer.

(§ 504.) SEC. 3. All moneys raised under this act, whether by loan or taxation, shall be paid to the city treasurer and be credited to the "Public library building fund;" shall be applied exclusively to the purpose of enlarging and improving the present public library building in the city of Detroit, and shall be drawn from the city treasury on the order of the "Detroit library commission," in the same manner, as near as may be, as moneys are now drawn from the Detroit fire commission fund, for the use and purpose of the board of fire commissioners of said city.

This act is ordered to take immediate effect.

Approved April 26, 1893.

CHAPTER XXI.

BOARD OF WATER COMMISSIONERS.

An Act to amend the laws relative to supplying the city of Detroit with pure and wholesome water. (Approved February 14th, 1853. Laws of 1853, p. 180.)

(§ 505.) SECTION 1. *The people of the State of Michigan enact,* That the successors now in office of Shubael Conant, Henry Ledyard, Edmund A. Brush, William R. Noyes and James A. Van Dyke, the original board of water commissioners of the city of Detroit, are hereby named, constituted and continued as a board of water commissioners of the city of Detroit. They and their successors in office shall be known by the name of "the board of water commissioners of the city of Detroit," and in their corporate name are hereby empowered to take and hold by purchase, gift, devise, bequest or otherwise such franchises and real and personal property, either within or without the limits of said city, as may be needful or convenient for carrying out the intents and purposes of this act, and to sell and convey or lease the same whenever required by the interests of the city; to make contracts; to establish all reasonable rules and regulations; to protect the rights and property vested in the board, and to aid it in the performance of the duties imposed upon it. The board may adopt and have a common seal, and may sue and shall be subject to be sued in all courts of record in like cases as natural persons. The property of the board, whether within or without the limits of the city of Detroit, shall be exempt from all taxes and assessments of

Board of water commissioners.

Board authorized to hold real estate, etc.

Board to adopt seal, etc,

Property held by bond exempt from tax, etc.

every kind. No writ of attachment or writ of execution shall be levied upon the property of said board. The late Chauncey Hurlbut, for many years president of said board, having by his last will and testament devised and bequeathed a large portion of his estate to trustees for the benefit of said board of water commissioners, and under which will the income of said estate is to be applied and used by the said board of water commissioners, as more particularly expressed in said will, in furtherance of the objects of incorporation of said board, and the effect of which will be to benefit the large number of people residing, or who may hereafter reside, in the city of Detroit and vicinity, and to lessen their burden of government; now, therefore, the said board of water commissioners are hereby authorized and empowered to receive and accept all the benefits that they may derive from said will, and to use, disburse and expend all the property, estate or money that they may receive thereunder according to the beneficent intent and purpose of said Chauncey Hurlbut, deceased, as set forth in his said will and the codicil thereto, reference to which, as the same may be found in the files and records of the probate court for the county of Wayne, in this State, is hereby made.* (As amended by act approved June 24, 1887.)

Board to use certain property devised for its benefit.

Term of office.

(§ 506.) SEC. 2. The said commissioners shall hold their offices respectively for the term of three, four, five, six and seven years, from the first Tuesday in May of the year one thousand eight hundred and fifty-three. Said commissioners shall, within sixty days after the passage of this act, decide by lot their respective terms, which decision shall be notified by a written statement to the common council of said city, which shall be entered of record on the books of the said common council; and at their first regular meeting in the month of April in the year one thousand eight hundred and fifty-six, and annually thereafter, the said common council shall elect and appoint a citizen

*See note 19, Appendix.

of said city, being a qualified voter and a freeholder, as a commissioner, who shall hold his office for five years from the first Tuesday in the May next following: *Provided*, That this section shall not be so construed as to disqualify any member of the said board for reappointment. And in case of the death or resignation, or removal from the city, of any of said commissioners, the common council shall, as soon thereafter as possible, appoint to fill such vacancy, for the remainder of the term, some citizen of said city, being a qualified voter and a freeholder.

Proviso.

Vacancy, how filled.

(§ 507.) SEC. 3. The said commissioners shall choose one of their own number as president, who shall hold his office until the first Tuesday of May next ensuing the date of his election; they shall also appoint some suitable person as secretary, who shall hold his office at the pleasure of the board. And in case of the death, resignation or removal from the city of the president, the said commissioners shall have power to fill the vacancy so happening as in the first instance.

President and secretary.

(§ 508.) SEC. 4. The said commissioners shall have power to loan, from time to time, upon the best terms they can make, after giving public notice by advertising in the city papers for sixty days, and in one paper in Boston and two in New York, for such time as they shall deem expedient, a sum of money not exceeding two hundred and fifty thousand dollars, upon the credit of the city of Detroit, and shall have authority to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall issue under the seal of said board of commissioners, and shall be signed by them, or a majority of them, and bearing interest not exceeding eight per cent per annum. And it shall be the duty of said commissioners to cause to be kept an accurate register of all bonds issued by them, showing the number, date, and amount of each bond, and to whom the same was issued; and it shall also be their duty to cause to be furnished to the

Power to loan money on bonds.

Registry of bonds.

Copy furnished auditor of said city a copy of such register, as soon as the same is made, which shall be preserved by said auditor, and copied into the records of said city.

Supply of (§ 509.) SEC. 5. It shall be the duty of said commissioners to examine and consider all matters relative to supplying the city of Detroit with a sufficient quantity of pure and wholesome water, to be taken from the Detroit river, or such other source as may be deemed expedient, for the use of its inhabitants.

Power to employ superintendents, etc. (§ 510.) SEC. 6. Said commissioners shall have power to employ superintendents, clerks, collectors, assessors, engineers, surveyors and such other persons as, in their opinion, may be necessary to enable them to perform their duties under this act, and to specify the duties of such persons so employed, and to fix their compensation; *Provided*, That in no case shall said commissioners receive, directly or indirectly, any compensation for their own services.

Commissioners not to receive compensation.

Duty of Board to erect and maintain water works, etc. (§ 511.) SEC. 7. Said commissioners shall have power, and it shall be their duty at all times, whenever the necessary funds are provided, to erect and maintain, within or without said city, such reservoirs, buildings, machinery and fixtures, and to lay such pipes and construct such aqueducts and other works, and secure and maintain the same as shall be required to furnish a full supply of water for public and private use in said city, and to conduct, discharge, dispose of and distribute the same. The commissioners may take by gifts, purchase, lease or otherwise, as hereinafter provided, and hold such real and personal estate, and create such rights therein as may be necessary for the purposes aforesaid. Whenever any lands are taken by said board without the consent of the owner, as hereinafter provided, the commissioners shall cause to be recorded, in the office of the register of deeds of Wayne county, a certificate, giving the name of the owner (if known) at the time of such taking, and a sufficiently

Power to purchase real estate.

certain description of such land. Whenever pipes, aqueducts or other works are laid or constructed by the board beneath the surface of the soil belonging to any person or private corporation, the commissioners shall in like manner cause to be recorded a certificate containing the name of the person or corporation (if known) owning the soil at the time such pipes, aqueducts or works are laid or constructed therein, a brief description of the land in which they are situated, their general character and direction, and such further statements thereof as shall enable persons to determine their location with reasonable certainty. Such certificates shall be signed by the president and secretary of the board, and recorded and indexed as deeds, in which the owner of the land is grantor and the board of water commissioners of the city of Detroit is the grantee. The record thereof shall be deemed public notice of all matters therein contained. The register shall receive the usual fees for recording such certificates. (As amended by act No. 359, Session Laws of 1873.)

Pipes laid through private property; certificate to be filed of record.

Effect of record.

(§ 512.) SEC. 8. The commissioners shall also provide and erect fire hydrants, at such localities in said city as may be deemed necessary, and ordered by the fire commission or the common council of said city: *Provided*, That the expense thereof shall be paid from the funds of said fire commission when their erection is ordered by the fire commission, or from the appropriate fund of the city when ordered by the common council; and, for the purposes of this act, to conduct pipes, aqueducts or other works over or under any water course, or under any street, alley, turnpike, road, railroad, highway or other way, within or without the city of Detroit, but in such a manner as not to unnecessarily obstruct or impede travel thereon; and they may at all times enter upon and dig up, with like restrictions as to travel, such street, alley, road or way, to lay such pipes, or construct such aqueducts and other works beneath the surface thereof, and to maintain and repair, or renew the same, returning the street,

Fire hydrants.

Proviso.

Power to use streets in laying pipes, etc.

Drinking fountains.

alley or way to its former condition so far as may be. The commissioners may erect drinking hydrants for public use to each block in said city, and keep the same in repair; and, with the consent of the common council of the city, they may also erect fountains in such public grounds of the city as they deem expedient. (As amended by Act No. 359, Session Laws of 1873.)

Assessment of water rates.

(§ 513.) SEC. 9. Said commissioners shall, from time to time, cause to be assessed the water rate to be paid by the owner or occupant of each house or other building having or using water, upon such basis as they shall deem equitable; and such water rate shall become a continuing lien, until paid, upon such house or other building and upon the lot or lots upon which such house or other building is situated.

Lien on premises.

Power to make by-laws for the collection of water rates.

(§ 514.) SEC. 10. Said commissioners shall have full power to make and enforce all necessary by-laws, rules, and regulations for the collection of said water rates, either by the appointment of collectors to demand the same, requiring payment at the office, shutting off the water, or by a suit at law before any court of competent jurisdiction, or by the sale of the lot or premises upon which such rates shall have become a lien: *Provided*, That such sales shall be conducted in the same manner, and shall have the same force, virtue and effect of sales of lots delinquent for city taxes: *And provided, further*, That the attempt to collect the said rates by any process above mentioned shall not in any way invalidate the lien upon the lot or premises.

Sale of property for non-payment of water rates.

Record of proceedings.

(§ 515.) SEC. 11. The said commissioners shall cause to be kept an accurate record of all proceedings, together with a list of all assessments for water rates, which shall be subject to inspection at all times.

Report to common council.

(§ 516.) SEC. 12. It shall be the duty of said commissioners to make a report to the common council of said city annually, which re-

port shall embrace a statement of the condition and operation of the works, a statement of the funds and secureties of said board, and all debts due and owing to and from said board, together with an accurate account of their expenses: which statement shall be certified by said commissioners, and shall be entered of record by the clerk of said city, and published in such manner as said common council may direct.

Surplus funds to be invested.

(§ 517.) SEC. 13. Whenever the receipts of said board, from water rates, or other sources, shall accumulate so that there shall be a surplus, amounting to a sum of not less than five hundred dollars, and needed for the payment of the current expenses, or the extension of said works, it shall be the duty of the commissioners, together with the auditor of said city, who shall be associated with them for that purpose, to invest the same in some safe stocks, or upon other real or personal securities. Such investment shall be made in the name of said board, and in such manner as to make the same available for the payment of interest and principal of the bonds issued as aforesaid, as soon as may be. It shall be the duty of said commissioners to pay the interest on such bonds, and as fast as such surplus fund will permit, also the principal, as the bonds become due, as funds for such purpose shall, from time to time, accumulate. The said commissioners may, when they have funds for that purpose, purchase the bonds so issued as aforesaid, whether the same have become due or not; and in case the said commissioners shall at any time not have funds on hand sufficient to meet any of the said bonds at the time when they shall become due, they shall have the right to issue new bonds, for such amount and on such time as they shall deem expedient, in the place of the bonds so becoming due as aforesaid; the said old bonds to be canceled in the registry thereof, and the said new bonds to be recorded in the manner hereinbefore provided.

Payment of bonds and interest.

Purchase of bonds.

New bonds may be issued

Old bonds canceled and new bonds registered.

Oath of Commission.

(§ 518.) SEC. 14. Before entering upon the duties of their office, said commissioners shall each take and file with the city clerk an oath or affirmation, similar to that provided in the case of other officers of said city.

Mains laid through private premises to remain property of Board.

(§ 519.) SEC. 15. The material of all pipes, aqueducts and other works laid or constructed above or beneath the soil of any person or private corporation, shall be and remain the sole property of the board, and subject to its exclusive control and management, and no person shall interfere or meddle therewith without the written assent of the board, signed by its president and secretary. (As amended by Act No. 359, Session Laws of 1873.)

Commissioners may be removed

(§ 520.) SEC. 16. Any member of said board of commissioners may at any time be removed, by a vote of two-thirds of the members elect of the common council of said city, for sufficient cause, and the proceedings in that behalf shall be entered on their journal: *Provided*, That the said common council shall previously cause a copy of the charges preferred against the commissioner sought to be removed, and notice of the time and place of hearing the same, to be served on him ten days, at least, previous to the time so assigned; and in case of such removal, the common council shall, at their first regular meeting, or as soon thereafter as may be, appoint some person, being a citizen and a freeholder, to fill such vacancy, and the person so appointed to fill such vacancy may continue in office for the period his predecessor had to serve.

Copy of charges to be served.

Vacancy to be filled.

Privilege of entering upon private property for certain purposes.

(§ 521.) SEC. 17. The commissioners, and under their directions, their agents, servants and workmen, may enter upon any public or private land or water for the purpose of making all necessary surveys, and for maintaining their pipes, aqueducts and other works, and doing any other act necessary, to carry into effect the purposes herein

expressed. They may also agree with all persons interested in private property as to the compensation to be paid for damages thereto by their own acts or the authorized acts of their agents and employes. Upon such agreement being made, the board shall forthwith pay the amount agreed upon. (As amended by Act No. 359, Session Laws of 1873.)

Compensation for use of private property.

(§ 522.) SEC. 18. The board shall have the power to take in fee or enter upon and use private property or land, within or without the limits of the city of Detroit, for the purposes specified in this act. In case all the persons interested in said property or lands, and the commissioners shall not be able to agree upon the compensation to be paid for such taking, or for such entry upon and use of said lands for the laying of pipes and the construction of aqueducts or other works beneath the surface thereof, and maintaining and renewing the same when necessary, the commissioners shall tender, or cause to be tendered to said persons severally, such sums of money as the board shall deem a just compensation therefor; and the acceptance of the money so tendered shall be a bar to any subsequent claim of compensation for such taking or for such entry and use. But if any of said persons shall not accept said money, or if any of them be infants, insane, residents without the State, or unknown, the commissioners, by themselves or by attorney, shall present to the circuit court for the county of Wayne a petition in the name of the board, setting forth a description of the several parcels of property which they seek to acquire, and of the lands upon which they demand the right of entry and use as aforesaid, and for which said tender has been refused; the amount tendered for each parcel, and the date of tender; the names of the persons interested therein, and their residences; who of said parties are infants, and their ages, if known: who are insane; who are non-residents, and who are unknown, and the character of their several interests so far as the commissioners can discover; whether

Power to take land in fee or for special purposes.

Proceedings when Board and owner cannot agree upon compensation.

Jury to be demanded.

title to the same is sought by the board, or merely the right of entry and use for the above-mentioned purposes. The petition shall also demand a jury to determine the necessity of taking said property, or of entering upon and using said land therein described, and the compensation to be paid to the several persons therefor, and shall be verified by the oath of one of the commissioners. Before such petition is presented to the court, a copy thereof shall be served upon all persons named therein whose interests will be affected by said proceeding. The copy of the petition so served shall be accompanied by a brief notice, directed to said persons, stating that said petition will be presented and application made to said court on a day and hour certain therein named, for a jury in accordance with the demand thereof. If all of the persons interested reside within one hundred miles of the city of Detroit, such service shall be made at least six days prior to the day designated in the notice for the presentation and application. When any of said persons reside over one hundred miles from said city, but within the State, such service shall be made on the person so residing at least twelve days prior to the presentation and application aforesaid. If any of said persons shall reside without the State or be unknown, legal service may be had upon him or them by notice published semi-weekly for three successive weeks, immediately preceding the presentation and application, in two daily newspapers in said city. The notice shall be directed to such person or persons (if known), and shall briefly describe the property or land to be affected by the proceeding, whether the title in fee to the same is sought to be acquired by the board, or if so, to what part or portion, or merely the right of entry upon and use of land for the purpose of laying pipes or constructing aqueducts or other works beneath the soil, and maintaining and renewing the same when necessary. The notice shall also state when the petition will be presented to the court and application for jury made. When such non-resident or unknown person

Petition to be served on persons interested.

Public notice sufficient in certain cases.

Mode of service in certain cases.

Notice shall contain, what.

has an acknowledged agent of the property or land residing and present in this State, personal service of a copy of the petition and notice accompanying the same may be had upon the agent instead of said publication, in which the same time before said presentation and application shall be allowed to his principal as though he resided more than one hundred miles from said city, but within the State. The practice in making the service in this section directed, shall, except as herein otherwise provided, be as prescribed by section twenty-four hundred and eighteen of the Compiled Laws of 1871. Service of such other papers as may be necessary in the proceeding, and not hereby provided for, shall be made as directed by the court. The court shall also appoint special guardians of infants or insane parties, when they have no general guardian. (As amended by Act No. 359, Session Laws of 1873.)

Service on a resident agent held sufficient notice to principal.

Service of process, etc., to be the same as under general statute.

Guardians for infants.

(§ 523.) SEC. 19. On presenting such petition to the court, at the time appointed, together with due proof of service of copies thereof, and notice as hereinbefore directed, all persons whose estate or interest in said property or land are to be affected by the proceedings, whether named in the petition or not, may show cause why the demand for a jury should not be granted, and the court shall hear the proofs and allegations of the parties. If no sufficient cause be shown against granting such demand, the court shall immediately make an order to summon twelve freeholders of said county to ascertain and determine the necessity of taking such property by the said commissioners, or of entering upon and using said land for the purposes aforesaid, and to appraise and determine the compensation to be allowed therefor; and thereupon the court shall direct the sheriff of said county to make a written list of twenty-four freeholders of the county, and otherwise qualified to sit as jurors, and residing not more than ten miles from the property or land to be affected by said proceedings. Before making such list the sheriff shall be sworn by the

Presentation of petition and subsequent proceedings thereon.

Jury; how drawn and of whom composed.

court to select such persons according to his best judgment, and without favor or partiality to either party. From such list the commissioners, or their attorney, may strike off six names, and the persons interested in said lands or property six names, and in case either of them refuse to do so, or none of said persons interested are present by themselves or by attorney, the court shall strike from said list six names, so as to leave only twelve names thereon. A *venire* in the usual form shall then issue from said court, containing the twelve names remaining on said list, and commanding the persons therein named to appear as jurors at the Wayne county court room at a time not less than five nor more than ten days from the date of said *venire* which shall be served by the sheriff at least two days before the return day thereof; service and return of said writ shall be made as in other cases. If, at the time and place specified in the *venire*, any of the persons named therein fail to appear, or if, of those appearing, any be found exempt, or shall be excused by the court, or be rejected on challenge (the right to challenge for cause being hereby reserved' as in other cases), the court may direct the sheriff to forthwith summon as many persons qualified to act as jurors not being rejected on challenge for cause, or excused, as may be necessary. The court shall impose a fine of not less that three dollars on any person duly summoned as a juror and failing to attend, unless satisfactory reason for such failure shall be shown. The jury being so impaneled as above provided, shall then be sworn to discharge their duties faithfully, impartially, and according to the best of their ability. No view of the premises to be affected by the proceedings shall be necessary, unless the jury desire it, or a demand therefor be made by some of the parties, in which case the jury shall proceed to view said premises under charge of the sheriff, as in other cases where a view is permitted or ordered by the court. None of the commissioners or persons interested, or their attorneys or agents, shall be allowed to ac-

Venire to issue.

Service of venire.

Fine for failure to respond to summons.

Commissioners and persons interested not to accompany jury.

company said jury. A plat of said property, when capable of being platted, showing the portion to which the title in fee is sought to be acquired by the commissioners: or (where only the right of entry thereon and use for the purposes above stated is sought) showing the location of the pipes, aqueducts, or other works proposed to be laid or constructed beneath the surface thereof, made and certified by the official surveyor of the board (if there be such surveyor) or by the surveyor of said city, shall be placed in the hands of the jury for their inspection. Immediately after such view is had, or, if there be none, then after the jury is sworn, if no adjournment for good cause be granted, they shall proceed at the bar of said court, and, and in its presence and under its direction as to matters of law, to hear and try all questions of fact as to the necessity of the taking of said property by the board, or of the entry upon by the commissioners, and using said land for the purposes aforesaid, and to determine according to their best judgment the just compensation to be paid therefor to the several parties interested. The commissioners shall have the right to open and close the case, and the court shall charge the jury as to such matters of law as shall be deemed necessary. The jury shall then retire for deliberation upon their verdict to be rendered, and shall remain together until they agree as to the question of necessity of taking or of entering upon and using said property or land, and if such necessity be found, then as to the amount of compensation to be paid to the several persons interested therein: *Provided*, That the court may in its discretion discharge the jury if it shall become apparent that they cannot agree. When the jury have agreed upon their verdict, they shall render the same in open court, and it shall be recorded by the clerk, and in their presence, and the same being read to them the jurors shall severally give their assent thereto. The verdict shall describe the property to be taken by the board where title therein is sought, and shall give a general description of the land upon which he commissioners seek the right of entry and use for the purpose of

Proceedings of jury.

Proviso.

Verdict of Jury.

What to contain.

laying pipes and constructing aqueducts or other works beneath the surface thereof, and maintaining and renewing the same when necessary, together with their proposed location on said land, the names of the persons interested in said property or land, and the several amounts awarded by the jury to each of them; and the court shall thereupon pronounce judgment against the board and in favor of said several persons for said amounts. The practice upon the trial of said matters not herein otherwise provided for shall, so far as may be, conform with the trial of issues of fact in courts of record in this State. If the jury shall be unable to agree and shall be discharged by the court, the commissioners may again commence and carry on new proceedings in like manner in all respects as above provided.

Practice, etc.

Compensation to be paid, when

Within twenty days after the verdict for compensation shall have been rendered, the board shall pay or tender to the respective persons the several amounts awarded to them by the jury, and in case any person shall refuse to accept the same, be unknown, or reside without the State, or cannot with reasonable diligence be found, or for any reason be incapacitated to receive such money or the right thereto be disputed or doubtful, the same may be deposited in court to abide the order of the court, and to be paid over to the person entitled and competent to receive it. Upon failure of the board to make such payment, tender, or deposit, within the time above specified, except when an appeal has been taken as hereinafter provided, such failure shall be considered an abandonment of the proceedings as to the person or persons entitled thereto. If at any time before verdict it shall appear to the court that there are adverse or conflicting claimants to the money or any part of it to be paid as compensation for the property or land to be affected, an order may be entered in said proceedings directing the money or such part as may be necessary, to be paid into court by the commissioners within said twenty days, and the court may subsequently determine who is entitled to the same, and

Tender of payment if not made within certain time proceedings void.

direct to whom the same shall be paid, and may, in its discretion, order a reference to ascertain the facts. Whenever the commissioners pay any award of compensation, they shall be entitled to a receipt for such money, and if the same be refused, they may pay the same into court as if tender thereof had been made and refused. At any time before verdict, the board may, after sufficient cause shown, and upon leave, discontinue all proceedings against any or all of the persons interested, and in case such discontinuance shall be had as to only a portion of said persons, the court shall award them such costs as it may deem just to be paid by the board; and if the discontinuance be had as to all of said persons, the commissioners shall pay all costs of the proceeding. In case of discontinuance as to part or all of said persons, the court may also allow a reasonable attorney fee, to be taxed against the board. When tender has been made by the board to any persons interested, before the presentation of the petition and application as hereinbefore directed, and the jury shall award to such persons no greater compensation than the sum tendered, the court shall allow against him and in favor of the board such costs as may be just, and the same may be deducted from the amount to be paid to such person. No attorney fees shall be allowed to the board, and no such fee shall be allowed to any persons except to those who on the trial of said matter have actually appeared by attorney. The costs and fees to be allowed in such proceedings shall be such as are provided by the general laws of the State, and where no provision is made, then such as the court may direct. All questions of costs, except as in this act provided, shall be in the discretion of the court. When payment, or tender or deposit has been made by the commissioners as above required, they shall be entitled to and may take exclusive possession of said property and land, and shall hold the same in fee, and may at all times erect such reservoirs, buildings, machinery and fixtures thereon as the board may deem necessary or proper to

Costs where proceedings are discontinued.

Cost and fees to be the same as are provided under laws of the state.

carry out the purposes of this act, or where only the right of use as aforesaid has been sought and obtained by the board, and shall have the perpetual right to enter upon said land, and lay pipes and construct aqueducts and other works beneath the surface thereof, and to maintain and renew the same whenever necessary, but in no other place or portion of said land than that decided upon in said proceedings. (As amended by Act No. 359, Session Laws of 1873.)

Appeal to Supreme Court.

(§ 524) SEC. 20. Any person interested in said property or land, feeling himself aggrieved by the verdict of the jury and the judgment rendered thereon, and who shall not have received the compensation awarded him, may appeal to the supreme court, by filing, in writing, with the clerk of said circuit court, a notice of such appeal and specifications of the errors complained of, within ten days after the rendering of said verdict and pronouncing said judgment, and serving within the same time a copy thereof upon the board, and filing a bond with said clerk, to be approved by the judge of the court or a circuit court commissioner of said county, conditioned to prosecute said appeal, to effect and pay all costs that may be adjudged

Bond on appeal.

against him in case said verdict and judgment be affirmed. On filing of said bond the clerk shall, as soon as practicable, transmit to the supreme court a certified copy of all of said proceedings on file in his office. The supreme court shall, at the next term thereafter, hear and determine the matter of said appeal, and affirm or reverse said verdict and judgment; but the same shall not be reversed for any mere matter of form, nor for errors, except errors of law, and only in regard to the appellant or appellants. The court shall give judgment for reasonable costs and expenses in the matter of the appeal; and all costs and expenses awarded to the commissioners, in case of affirmation, shall be applied on and deducted from the compensation to be paid the appellant or appellants against whom the judgment and verdict below have been affirmed. When the verdict and judgment are

reversed, the supreme court may direct the proceeding before the same or a new jury, and may make such further direction or order in the premises as may be necessary. The second verdict and judgment shall be final and conclusive; and the commissioners shall pay, tender or depost the sums of money awarded as compensation, on such second verdict, within twenty days after its rendition, or forfeit all rights thereunder. When the original verdict and judgment shall have been reversed, in whole or in part, and the commissioners shall desire a second verdict, they shall serve notice of application for a new jury or the calling together of the former jury (as the case may be) for that purpose, only on the successful appellants. No second service of the petition shall be necessary, but the notice shall be sufficiently specific to afford the parties entitled thereto full information of the intention of the commissioners to demand a second verdict and judgment. All other proceedings to obtain a second verdict and judgment shall be, as nearly as practicable, like those to obtain the first. If the commissioners shall fail or neglect to give said notice for ninety days after reversal of verdict and judgment, they shall be deemed to have abandoned said proceedings. If said appeal shall have been taken before the payment, tender or deposit above provided for, the obligation of the board to make the same shall be suspended pending the appeal, but shall be made within twenty days after affirmance of said verdict and judgment, when the same is affirmed, otherwise within the same period after a second verdict and judgment is rendered. The appeal shall not prevent the board from taking possession of said property, or from using said land for the purposes of this act; and in case the commissioners shall deem that public necessity so require, they may enter upon and take such possession and make such use of said property or land, first filing with the clerk of said court a bond approved by the judge thereof, or by the recorder of said city, in such penal sum as said judge or recorder may determine, con-

Appeal not to prevent the board from taking possession, etc.

ditioned that the board will pay to all persons interested, and particularly to the appellants, within the time above limited therefor, all such sums of money as shall be finally awarded to them as compensation in said proceedings. Said bond shall also contain such other conditions or stipulations as the said judge or recorder shall think necessary to save said persons harmless from loss or damage; and thereupon the commissioners may take possession of, or enter upon and use the property and land as aforesaid. (As amended by Act No. 339, Session Laws of 1873.)

To preserve the purity of water supply.

(§ 525.) SEC. 21. If any person shall wilfully do, or cause to be done, any act whereby any work, materials, or property whatsoever, erected or used within or without the city of Detroit by the Commisioners, or by any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall be injured, or shall wilfully throw or place, or cause to be thrown or placed, any carcass of any dead animal or person, or any other deleterious or filthy substance whatever, in any reservoir, pipe, or aqueduct of said Board, through which water for public or private use is conveyed, or shall throw, or place, or cause to be thrown or placed, any such carcass, deleterious or filthy substance in the Detroit River or Lake St. Clair, within a distance of six miles above any inlet pipe of said board extending into said river, and through said supply of water or any part thereof is received, or do, or cause to be done, any other act to wilfully pollute said water, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the Detroit house of correction for a period not exceeding two years, or both, at the discretion of the court before which the case is tried. The commissioners shall erect notices of so much of this section as relates to reservoirs and the Detroit river and Lake St. Clair, at conspicuous points on such reservoirs and along the American shore of said river

Notices of penalty to be posted in certain places.

and lake, within the distance above mentioned, and for this purpose they or their agents shall have the right to enter upon private property. (As amended by Act No. 359, Session Laws of 1873.)

Interfering with pipes, etc.

(§ 526.) SEC. 22. If any person shall, without authority of the commissioners or their proper agents, perforate or bore, or cause to be perforated or bored, any distributing pipe, main, log or aqueduct belonging to said works of this board, or make, or cause to be made, any connection or communication with said pipes, aqueducts or logs, or meddle with or move the same, or any machinery, apparatus, or fixture of the board, or take down, or deface any of the notices provided for in the last section, or cause the same to be done, the person so offending shall, on conviction, be punished by a fine not exceeding one hundred dollars, and shall also be sentenced to imprisonment in the Detroit house of correction until such fine be paid, not exceeding six months. Any person who shall wilfully and maliciously break or cut any inlet pipe, main distributing pipe, log, or aqueduct used by the commissioners for conducting said water, or shall dig into, or break up, any reservoir filled, or partially filled, with water, or shall break or injure any pumping engine, or any part thereof, or any of the machinery connected therewith, belonging to said board, or cause any of said acts to be done, shall be deemed guilty of felony, and upon conviction thereof shall be punished by imprisonment in the state prison not more than five years, or by a fine not exceeding one thousand dollars, and imprisonment in the jail of said Wayne county not more than one year. All violations of the provisions of this act shall, when committed within the limits of the city of Detroit, be tried in the recorder's court of said city, and when committed beyond said limits, they shall be tried in the circuit court for the county of Wayne. (As amended by Act No. 359, Session Laws of 1873.)

Penalty

Interfering with inlet pipes.

Penalty.

Extension of pipes, etc.

(§ 527.) SEC. 23. The commissioners shall have power to extend their distributing pipes, aqueducts and mains, and erect hydrants,

without the limits of said city, and to regulate, protect and control such portions of their works and the water supply therefrom in the same manner that they may regulate, protect and control their works and the water supply within the city: *Provided*, That before any water shall be supplied to any person or persons residing outside the limits of the city, the entire cost of the distributing pipes necessary to supply such person or persons shall be paid to the said board, and all such distributing pipes, through which any water shall be supplied by said water board, shall be the property of said board, and form part of its system of distributing pipes: *And provided, further* That the rates at which water shall be sold to persons residing outside the city limits shall be discretionary with said board of water commissioners, but such rates shall not exceed double the rates charged within the city limits. They shall also have all such other and further powers and rights not herein granted as are given to water boards by the general laws of this State, and as are not inconsistent with the powers and rights herein granted. If the said board shall at any time not have funds on hand sufficient to meet and pay any of the bonds heretofore issued by said board at the time wher they shall become due, they shall have the right to issue new bonds for such amounts and on such time as they shall deem expedient, in the place of the bonds so becoming due as aforesaid, or such part thereof as said board shall be unable then to pay; but in no instance shall such new bonds when issued bear interest at a higher rate than the old bonds for which the same shall be issued; the said old bonds shall be taken up and canceled, and such cancellation recorded or otherwise indicated in the registry thereof, and the new bonds shall be recorded in the registry in which said old bonds were recorded, as provided by the law under which said old bonds were issued. (As amended April 27, 1883.)

Proviso.

Further proviso

Re-issue of bonds.

(§ 528.) SEC. 24. It shall be the duty of said commissioners, at

least thirty days before the time fixed by the ordinance of said city for assessing city taxes, to make a special report to the common council of said city, what, if any sum, will be needed by said commissioners, over and above the revenue of said board, to meet the payment of interest or principal of the bonds issued as aforesaid; and it shall be the duty of the common council to raise said amount by a special tax, in the same manner as general taxes, to be designated a water tax; and the said amount shall be paid over to said board by the treasurer of said city.

Commissioners to report to Common Council what sum may be required to pay interest, etc.

Common Council to raise sum by tax.

(§ 529.) SEC. 25. No one or more of the said commissioners shall be interested, either directly or indirectly, in any contract entered into by them, with any other person; nor shall they be interested, either directly or indirectly, in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act.

Commissioners not to be interested in contracts or purchase of materials.

(§ 530.) SEC. 26. All lands, lots, docks, buildings, machinery, pipes, logs, hydrants, and all fixtures whatsoever, purchased, designated or used for the present water works of the city of Detroit, are hereby conveyed to and vested in said board of commissioners, who shall have full power to regulate, protect and control the same; and all the authority, rights and power heretofore exercised and had by said city, over said works, are hereby continued to and vested in said board of commissioners.

Lands, etc., of present works conveyed to the Board of Commissioners.

(§ 531.) SEC. 27. The said commissioners are hereby vested with full power to make and enforce such by-laws, regulations and ordinances as may be necessary to carry into effect the object and intent of this act, and to supply any power or mode not already specified therein, and shall cause all such by-laws, regulations and ordinances to be entered into a book to be kept for that purpose, and signed by the president and secretary, which, when so entered and signed, shall be evidence in any court of justice.

Power to make by-laws, etc.

By-laws, etc., to be entered in a book.

Commissioners authorized to levy special assessment.

(§ 532.) SEC. 28. In addition to all other powers conferred upon said commissioners, they are authorized to and shall assess upon each and every lot in the city of Detroit, in front of which water pipes are laid, an annual tax or assessment of three cents per lineal foot of the frontage of such lot or lots, and which do not pay water rates, which shall be a lien upon such lot or lots, and may be collected from the owner or owners of such lot or lots, or by sale thereof in the same manner as is provided by sections nine and ten in reference to water rates: *Provided*, That no such lot or lots shall be so taxed on more than one front; and where such pipes are laid across more than one front of any lot, only the shortest front shall be estimated in making such assessment.* (As added by Act No. 477 of Session Laws of 1869, and numbered section 28.)

Proviso.

Acts repealed

(§ 533.) SEC. 29. All acts or parts of acts contravening the provisions of this act are hereby repealed. (As numbered section 29, by Act 477, Session Laws of 1869.)

Act amended.

(§ 534.) SEC. 30. This act may at any time be altered, repealed or amended. (As numbered section 30, Act No. 477, Session Laws of 1869.)

To be nominated by the Mayor.

(§ 535.) SEC. 31. On and after the second Tuesday of January, eighteen hundred and eighty-two, the members of the said board of water commissioners shall be appointed by the city council of the city of Detroit, on the nomination of the mayor of said city, and vacancies shall be filled in the same manner. (As amended by Act approved June 7, 1881.)

*See note 20, Appendix.

ACT AUTHORIZING BONDS FOR $250,000.

An Act to authorize the water commissioners of the city of Detroit to loan money for the purpose of extending and improving the water works of said city. (Approved February 6th, 1853. Laws of 1853, p. 31.)

(§ 536.) SECTION 1. *The people of the State of Michigan enact*, That the board of water commissioners of the city of Detroit shall have power to loan, upon the best terms they can make, and for such time as they shall deem expedient, a sum of money not exceeding two hundred and fifty thousand dollars, upon the credit of said city of Detroit, and shall have authority to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds; which bonds shall issue under the seal of said board of commissioners, and shall be signed by them, or a majority of them, and bearing interest not exceeding eight per cent. per annum. And it shall be the duty of said commissioners to cause to be kept an accurate register of all bonds issued by them, showing the number, date and amount of each bond, and to whom the same was issued; and it shall also be their duty to cause to be furnished to the auditor of said city a copy of such register, as soon as the same is made, which shall be preserved by said auditor, and copied into the record of said city. And the said sum of money shall be expended by said commissioners solely for the purpose of extending and improving the water works of the city of Detroit.. This act shall take immediate effect.

Power to make loan and issue bonds.

ACT AUTHORIZING BONDS FOR $250,000.

An Act to authorize the water commissioners of the city of Detroit to borrow money for the purpose of extending and improving the water works of said city. (Approved February 10th, 1857. Laws of 1857, p. 200.)

(§ 537.) SECTION 1. *The People of the State of Michigan enact*, That the board of water commissioners of the city of Detroit shall have power to borrow, upon the best terms they can make, and for such time as they shall deem expedient, a sum of money not exceeding two hundred and fifty thousand dollars, upon the credit of said city of Detroit, and shall have authority to issue bonds, pledging the faith and credit of said city for the payment of the principal and interest of said bonds; which bonds shall issue under the seal of said board of commissioners, and shall be signed by them, or a majority of them, and bearing interest not exceeding eight per cent per annum; and it shall be the duty of said commissioners to cause to be kept an accurate register of all bonds issued by them, showing the number, date, and amount of each bond, and to whom the same was issued; and it shall also be their duty to cause to be furnished to the controller of said city a copy of such register, as soon as the same is made, which shall be preserved by said controller and copied into the records of said city; and the said sum of money shall be expended by said commissioners solely for the purpose of extending and improving the water works of the city of Detroit: *Provided*, That the said board of commissioners shall not contract said loan until they are authorized and empowered so to do by the common council of the city of Detroit. This act shall take effect and be in force from and after its passage.

Board of Water Commissioners may borrow money.

Money, how expended.

ACT AUTHORIZING BONDS FOR $250,000.

An Act to authorize the water commissioners of the city of Detroit to borrow money for the purpose of extending and improving the water works of said city.

(Approved February 17, 1869.)

(§ 538.) SECTION 1. *The People of the State of Michigan enact,* That the board of water commissioners of the city of Detroit shall have power to borrow, upon the best terms they can make, and for such time as they shall deem expedient, a sum of money not exceeding two hundred and fifty thousand dollars, upon the credit of said city of Detroit, and shall have authority to issue bonds, pledging the faith and credit of said city, for the payment of the principal and interest of said bonds; which bonds shall issue under the seal of said board of commissioners, and shall be signed by them, or a majority of them, and bearing interest not exceeding eight per cent per annum. And it shall be the duty of said commissioners to cause to be kept an accurate register of all bonds issued by them, showing the number, date and amount of each bond, and to whom the same was issued; and it shall also be their duty to cause to be furnished to the controller of said city a copy of said register, as soon as the same is made, which shall be preserved by said controller, and copied into the records of said city. And the said sum of money shall be expended by said commissioners solely for the purpose of extending and improving said water works of the city of Detroit: *Provided,* That the said board of commissioners shall not contract said loan until they are authorized and empowered so to do by the common council of the city of Detroit.

Power to borrow money and issue bonds.

Proviso.

This act shall take immediate effect.

ACT AUTHORIZING BONDS FOR $1,000,000.

An Act to authorize the board of water commissioners of the city of Detroit to borrow money for the purpose of extending and improving the water works of said city.

(Approved March 8th, 1873.

(§ 539.) SECTION 1. *The people of the State of Michigan enact*, That the board of water commissioners of the city of Detroit shall have power to borrow, upon the best terms they can make, and for such time as they shall deem expedient, a sum of money not exceeding one million dollars upon the credit of said city of Detroit, and shall have authority to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds; which bonds shall issue under the seal of said board of commissioners, and shall be signed by them, or a majority of them, and bearing interest not exceeding seven per cent per annum; and it shall be the duty of said commissioners to cause to be kept an accurate register of all bonds issued by them, showing the number, date and amount of each bond, and to whom the same was issued; and it shall also be their duty to cause to be furnished to the controller of said city a copy of such register as soon as the same is made, which shall be preserved by said controller, and copied into the records of said city; and the said sum of money said be expended by said commissioners solely for the purpose of extending and improving the water works of the city of Detroit: *Provided*, That the said board of commissioners shall not contract said loan until they are authorized and empowered so to do by the common council of the city of Detroit.

Water Commissioners authorized to borrow money.

May issue bonds.

Shall keep register of bonds.

Shall furnish Controller with copy of register.

(§ 540.) SEC. 2. If the said commissioners shall, at any time, not have funds on hand sufficient to meet any of the said bonds at the time when they shall become due, they shall have the right to issue new bonds for such amount, and on such time, as they shall deem expedient, in the place of the bonds so becoming due as aforesaid, or such part thereof as said commissioners shall be unable then to pay; the said old bonds so taken up shall be canceled, and such cancellation recorded or otherwise indicated in the registry thereof, and the said new bonds shall be recorded in the manner hereinbefore provided. It shall be the duty of the common council, and said council is hereby empowered, to cause to be levied and assessed annually, upon the taxable property in said city, the sum of seventy-five thousand dollars, the same to be included in each annual tax assessment levied on said city, and the same shall not require or be conditioned upon the vote of the freemen of said city. The said sum shall be collected the same as other general taxes, and shall, from time to time, as received, be paid over to said board by the treasurer of said city; and the moneys so paid over by said treasurer to said board shall be used and appropriated by said board, first, in payment of the interest of the said bonds; second, if there be any surplus, after payment of the interest accruing during the year, said moneys shall be paid into and form part of the sinking fund of said board, and used and appropriated to the payment of said bonds when due, or to the purchase of the same, or of any other of the bonds heretofore issued by said board, as the said board may, from time to time, think expedient.

New bonds may be issued.

Money for payment of bonds and interest; how raised.

How collected and appropriated.

This act shall take immediate effect.

CHAPTER XXII.

BOARD OF METROPOLITAN POLICE.

An Act to establish a police government for the city of Detroit. (Approved April 17, 1871.)

(§ 541.) SECTION 1. *The People of the State of Michigan enact,* That all powers and duties connected with and incident to the police government and discipline of the city of Detroit shall be, as hereinafter more especially provided, vested in and exercised by a board of metropolitan police, composed of four commissioners of metropolitan police, and a superintendent of metropolitan police, one or more captains of metropolitan police, sergeants of metropolitan police, and patrolmen of metropolitan police. A majority of said board shall constitute a quorum for the transaction of business.

Police Commission; powers and duties.

Quorum.

(§ 542.) SEC. 2. That from and after the first day of July, one thousand eight hundred and ninety-two, the board of metropolitan police of the city of Detroit shall be composed of four electors and freeholders of said city, to be appointed by the mayor of said city. That on or before the said first day of July, A. D. one thousand eight hundred and ninety-two, it shall be the duty of the mayor of said city and he is authorized and empowered to appoint four commissioners of police, who shall respectfully (respectively) have the qualifications of electors and freeholders of said city; one of such commissioners shall be appointed to hold office until the first day of July, one thousand

Commissioners to be appointed by the mayor.

eight hundred and ninety-three; one of such commissioners shall be appointed to hold office until the first day of July, one thousand eight hundred and ninety-four; one of such commissioners shall be appointed to hold office until the first day of July, one thousand eight hundred and ninety-five; and one of such commissioners shall be appointed to hold office until the first day of July, one thousand eight hundred and ninety-six.

Books, papers, documents, etc.

The existing board of metropolitan police shall, upon the appointment and organization of the board herein provided for, surrender to said board all property, books, papers, documents, and effects in its custody or under its control. And the board herein provided for shall succeed to all of the rights, privileges and prerogatives lawfully pertaining to the existing board of metropolitan police, not in conflict with the provisions of this act. (As amended by act approved June 5, 1891.)

Term of office.

§ 543.) SEC. 3. The term of office of each commissioner of the metropolitan police, after the respective determinations of the terms aforesaid, shall be four years, and the mayor of said city shall appoint from the electors and freeholders of said city of Detroit, a successor to the person whose term shall expire as such commissioner. (As amended by act approved June 5, 1891,)

Vacancy, how filled.

Any vacancy occurring during the term of any commissioner shall be filled for the unexpired portion of such term by appointment of the mayor of said city of Detroit, and the commissioner so appointed shall hold office for such unexpired portion of the term. (As amended by act approved June 5, 1891.)

Members to file oath with Secretary of State.

(§ 544.) SEC. 4. The persons severally appointed commissioners of metropolitan police by virtue of this act shall, before exercising the duties thereof, duly take and file in the office of the secretary of state, the oath of office prescribed for state officers. Immediately

upon receiving said oath of office, the secretary of state shall give to each commissioner a certificate of his appointment, whereupon he shall possess the power, and exercise the duties, of commissioner of metropolitan police prescribed by this act. Issue of certificate of appointment.

(§ 545.) SEC. 5. The said board of metropolitan police shall have power to appoint a superintendent of the police force, a deputy superintendent, a captain of police, one or more officers to be called and act as detectives, one captain in addition to each thirty policemen (patrolmen) called into service more than the first thirty, four sergeants of police to each fifty patrolmen, an attorney, surgeon, one or more roundsmen, doorman, janitors, and fifty or more patrolmen, who shall receive compensation, and as many pratrolmen, with or without compensation, in time of special emergency, or apprehended danger from riot, or other cause of alarm, as they shall deem expedient. Said board shall also have power, for cause assigned, on a public hearing, and on due notice according to the rules to be promulgated by them, to remove or suspend from office, or for a definite time to deprive of pay any member of such police force (except that the superintendent, deputy superintendent, detectives, the attorney, the surgeon and secretary and property clerk may be dismissed at any time by said board); and make rules and regulations for the disciptine and government of said force, and shall cause the same to be published, and to make and promulgate general and special orders to said force, through the superintendent of police, who shall be the executive head of the force. (As amended by act approved June 17, 1887.) Power of Board to appoint Superintendent of Police, etc. Power to remove any policeman, etc. To make rules, etc., to govern police.

(§ 546.) SEC. 6. The said board shall appoint one of their own number to act as president, who shall be *ex officio* member of the board of health, and some person not a member of the board to act as secretary and property clerk, who shall give bonds to said board in an amount and with sureties to be approved by said board, conditioned Board to elect a President and Secretary.

Secretary to give bonds.

for the safe keeping by him, and his rendition upon the order of the board, of all money and other property which shall come into his hands by virtue of his office, and he shall receive such compensation annually as may be determined by said board, and hold his office at the pleasure of said board.

Board to determine compensation of Secretary.

Board to have entire control of police, etc.

(§ 547.) SEC. 7. Said board shall assume and exercise the entire control of the police force of said city, and shall possess full power and authority over the police organization, government, appointments and discipline within said city. It shall have the custody and control of all public property, books, records and equipments belonging to the police department, and shall have power to erect and maintain all such lines of telegraph in such places within the said city as for purposes of police the board shall deem necessary, whenever the common council shall authorize the establishment of such telegraph line or lines, and provide for the cost thereof.

Duties of board; to preserve peace, etc.

(§ 548.) SEC. 8. It shall be the duty of the board of police, and of the force hereby constituted, at all times of the day and night, within the boundaries of said city of Detroit, to preserve the public peace, to prevent crime, and arrest offenders, to protect rights of person and property, to guard the public health, to preserve order, to enforce all laws of the state, and all ordinances of the said city, relative to inspecting and sealing weights and measures; to designate, at any time of the year, and as often as they shall deem necessary, a member of the force to perform the duties of sealer of weights and measures in said city; and the person so designated shall have the exclusive power to perform said duties in said city, and shall, during the time he is directed by said board to perform said duties, try, prove and seal all scales, beams, weights and measures used in said city, for the purpose of buying and selling, without giving any notice, as is now required by law: *Provided*, The person so designated shall neither receive nor charge compensation nor fee for performing said

To enforce the sealing of weights, etc.

duties; to collect all license moneys under the laws of the state, the charter and ordinances of said city, and to account for and pay the same to the person authorized by law to receive them; to designate, from time to time, a member of the force to collect said license money, and the person so designated shall have exclusive power to collect said moneys in said city; to designate at any time of the year, and so often as they shall deem necessary, a member of the force to perform the duties of harbor master, and the person so designated shall have the exclusive power to perform said duties in said city under the ordinances which may, from time to time, be prescribed by the common council: *Provided, however*, That this section shall not be construed to affect any person heretofore appointed by said common council, on the nomination of the mayor, to the office of harbor master of the port of Detroit, or to remove him therefrom, prior to the expiration of the period for which he was so appointed; to appoint, from time to time, as they may deem fit, one or more city scavengers, who shall have the exclusive power to perform the duties of such officers in said city, and shall be liable to such penalties as are or may be prescribed by the ordinances, and shall be entitled to receive such compensation and fees as the said board may by general order direct; to audit and allow all bills for traveling expenses incurred in the pursuit of criminals, by members of the force, or any other officer or person, and to present the same to the board of county auditors of Wayne county for payment, in all cases where criminals are charged with offenses in said city; and the said board of auditors shall in no way allow, or cause to be paid by said county, any bill or account for the pursuit or apprehension of criminals charged with or suspected of the commission of crime in said city, unless the said bill or account is presented by said board of police, and indorsed as allowed by the president and secretary thereof: to remove nuisances existing in public streets, roads, places, highways, yards and out-houses; to report all leaks and defects in water pipes and sewers to the proper au-

Collection of license moneys.

Harbor Master.

Proviso.

City Scavengers

Expenses of the pursuit of criminals.

Nuisances, etc.

Fires. thorities; to provide a proper force at every public fire, in order that thereby the firemen may be protected in the performance of their

Travelers, etc., to be protected by. duties, and property preserved for the owners thereof; to protect strangers and travelers at steamboat and ship landings, and railway stations, and generally to carry out and enforce all ordinances of the city and laws of the state. Whenever any crime shall be committed in said city, and the person or persons accused, or suspected of being guilty, shall flee from justice, the said board of police may, at their

Fugitives from justice. discretion, authorize any person or persons to pursue and arrest such accused or suspected person or persons, and return them to the proper court, having jurisdiction of the offense, for trial.

Qualifications of officers. (§ 549.) SEC. 9. The qualification, enumeration, and distribution of duties, and mode of trial, and removal from office of each officer and member of said police force, shall be particularly defined and described by rules and regulations of the board of police, and no person shall be appointed to or hold office in the police force who is not a citizen of the city of Detroit, shall not have resided in the state of Michigan two years next preceding his appointment, who cannot read and write the English language, and who has ever been convicted of

Removals and suspensions. any crime: *And provided*, That no person (except the superintendent, detectives, the attorney, the surgeon, secretary and property clerk) shall be removed from said force, except upon written charges preferred against him to the board of police, and after opportunity of being heard in his defense; but the board of police may suspend any member of the force, pending the hearing of charges against him; and the board of police may also at any time, in their discretion, and without charges, or trial, reduce any officer from his rank, and grade, and pay, to a lower rank and pay, and either permanently

Promotions. or temporarily promote any officer to his position, without regard to the relative rank or grade of such other officer; *And provided*, Whenever any vacancy occurs in the office of captain of police, the

same shall be filled from among the persons then in office as sergeants, roundsmen or patrolmen. The police commissioners shall receive no compensation whatever for their services during their term of office. All salaries and compensation to the officers, appointees and employes of the department shall be prescribed and determined by the board of police commissioners, and shall be paid monthly to the persons entitled thereto. No member of the board of police, or of the police force, shall receive or share in, under any pretenses whatever, any present, fee, gift or emolument for police service, other than the regular salary and pay provided by this section, except by the unanimous consent of said board; and it shall be the duty of every member of said board, or the police force, to return to the property clerk (to be disposed of as hereinafter prescribed) every present, fee, gift or emolument received by him, with the consent of the board, except said board permits him to retain the same for his own use; and all moneys, and proceeds of all property received from this source, shall be disposed of by said board as if the same had been paid or given for extraordinary services, as prescribed in the eleventh section of this act. Nor shall any member of said force receive or share in any fee, gift or reward from any person who may become bail for the appearance of any arrested, accused or convicted person, or who may become surety for any such person on appeal from the judgment or decision of any court or magistrate, or any fee, gift or reward in any case, from any attorney at law who may prosecute or defend any person arrested or prosecuted for any offense within the county of Wayne; nor shall any member, either directly or indirectly, interest himself or interfere, in any manner whatever, in the employment or retainer of any attorney, to aid in the defense of persons arrested or accused; and for any violation of either of the foregoing provisions, the member so offending shall be immediately removed from office. (As amended March 14, 1882.)

Compensation.

To make no presents without consent of Board.

Not to be interested in bail or attorney.

Penalty.

Complaints against policemen.

(§ 550.) SEC. 10. Any citizen of Detroit, or officer of the police force, with a view to the trial and suspension or removal from office of any officer or patrolman of the police force, may, on oath, in writing, prefer or make before the board charges or complaint touching the character and competency, or affecting the acts, conduct or omission of such officer or policeman, or for violation of, or misconduct, as defined or prescribed by the rules and regulations of the board; and said board, after reasonable notice, in the discretion of the board,

Trial of accused officer.

to the person charged, shall proceed to the trial of said officer or policeman, on such charges or complaint, and shall have power to, and shall issue subpœnas, tested in the name of the president of the board, to compel the attendance of witnesses, to administer oaths and affirmations, and generally shall, for the purpose of such trial, have and exercise the powers and duties of justices of the peace in civil cases, so far as the same are applicable, and may make an order of removal or suspension for some certain period. If, on such trial, said charges or complaint shall be sustained, such officer or policeman shall pay the cost of such proceedings, and the same may be deducted and withheld from his pay, and in case of his suspension, his pay shall also cease from the date of the charge, and during the suspension. In trials under this section the same costs shall be charged and taxed as in trials before justices, and be collected on execution, as the case may be, from the court, or on execution to be issued by any justice of the peace, on certificate of the same by the board, and order for execution, said costs, when collected, to be paid to the treasurer of the board, for the benefit of those concerned; but the said board shall not tax or receive any fees for themselves or for any member thereof.

Rewards, fees, etc., to be paid into the City Treasury.

(§ 551.) SEC. 11. All rewards, fees, proceeds of gifts and emoluments, that may be allowed by the board of police to be paid and given for or on account of extraordinary services of any member of

the police force, and all moneys arising from the sale of unclaimed goods, shall be paid into the city treasury, and shall constitute a fund to be called the "police life and health insurance fund," and the person who shall, from time to time, fill the office of president of the board of police, and that of the controller of the city of Detroit, are hereby declared the trustees of said fund, and may invest the same as they shall see fit, either in whole or in part, and shall have power to draw the same from the treasury for that purpose.

"Police Life and Health Insurance Fund."

(§ 552.) SEC. 12. Whenever any member of the police force, in actual performance of his duty, and in consequence of the performance of such duty, shall become bodily disabled, his necessary expenses, during the time his disabilities as aforesaid continue, and consequent thereon, may become a charge upon the fund provided for in the preceding section, at the discretion of the said board of police. The board shall inquire into the circumstances, and if satisfied the charge upon said fund is correct, may order the same to be paid by the draft of said trustees upon the said fund, each writing his signature thereto; but the provisions of this section shall not apply to special patrolmen appointed, as hereinafter provided, at the request and expense of private parties.

Disabled policemen.

(§ 553.) SEC. 13. The superintendent, deputy superintendent, or any member of said police force, having just cause to suspect that any felony is being, or about to be committed, within any building, public or private, or on any wharf or enclosure, or on board of any ship, boat or vessel, within said city of Detroit, may enter the same at all hours of the day or night, to take all necessary measures for the effectual prevention of all felonies, and may take then and there into custody all persons suspected of being concerned in such felonies, and also may take charge of all property which he or they shall have then and there just cause to suspect have been stolen.

Superintendent, powers of, etc

Members of police force to serve subpœnas etc.

The members of said police force shall also serve and execute all process and subpœnas issued in the recorder's court and the police court of said city: *Provided*, That it shall be the duty of said board of metropolitan police to cause to be brought before one of the police justices of the city of Detroit every person arrested by any member of said police force on suspicion of felony, or for any other cause, within thirty-six hours after such arrest, and said justice on hearing the grounds of such charge may, by written order, remand such person to the custody of said police force.

No person shall be held in the custody of said police force on such arrest for a longer period than six days. (As amended by act approved June 5, 1891.)

Gaming etc.

(§ 554.) SEC. 14. If any member of the force, or if any two or more householders, shall report in writing, under his or their signatures, to the superintendent of the force, that there are good grounds (which shall be stated in said report) for believing any houses, room or premises within the said city, to be kept or used as a bawdy house, house or place for the resort of prostitutes, common gaming house, common gaming room, or common gaming premises, for therein playing for wagers of money at any game of chance, or the deposit or sale of lottery tickets or lottery policies, or as a cock-pit, or for harboring criminals, or for concealing stolen property, or for carrying on any trade, occupation, calling, practice or act prohibited by law, it shall be lawful for the said superintendent to authorize, in writing, any member or members of the force to enter the same, who may forthwith arrest all persons there found, and seize all implements of gaming, or lottery tickets, or lottery policies, and convey any person so arrested before a magistrate, and bring the articles so seized to the property clerk. It shall be the duty of such superintendent to cause such arrested person to be prosecuted vigorously, and such articles

Houses of prostitution.

Lotteries.

seized to be destroyed, as the orders, rules and regulations of the board of police shall direct. Implements to be destroyed.

(§ 555.) SEC. 15. It is hereby made the duty of the board of police, for more effectually distributing and enforcing its police government and discipline, to divide the said city of Detroit into precincts, without regard to ward boundaries, and to assign captains of police, and sergeants of police, to each of the said precincts, as they shall deem for the best interests of said city. The board may, from time to time, establish a station or sub-station in each precinct or division, for the accommodation of the police force on duty therein. It shall promulgate all regulations and orders through the superintendent of police; and it shall be the duty of the police force to respect and obey the said superintendent as the head and chief of the same, subject to the rules and regulations and general orders of the board. Division of city into precincts. Promulgation of regulations

(§ 556.) SEC. 16. The board of police is hereby authorized to appoint persons of suitable character, who may be in the employment of the city in other branches of departments, special policemen or patrolmen: *Provided*, Such special policemen shall not be paid for their services as policemen, either from the police fund or city or county treasurer. Such policemen shall possess the same power as the regular police patrolmen, and shall obey the rules and regulations of the board, and conform to its general discipline. Special policemen. Proviso.

(§ 557.) SEC. 17. The board of police, whenever it shall seem to them discreet, may, on the application of any person or persons, showing the necessities thereof, appoint and swear in any number of additional patrolmen to do duty at any place within said city, at the charge and expense of the person or persons by whom the application shall be made; and the patrolmen so appointed shall perform duty only at the place designated by said board; shall continue in office at the pleasure of said board, for a term not exceeding one year; Special policemen.

shall be subject to and obey the orders, rules and regulations of said board, and conform to the general discipline of the force, and to such special regulations as may be made by such board for their government. They shall wear such dress and emblem as said board may prescribe, and shall possess, as conservators of the peace, all the powers and privileges, and perform all the duties of the force herein prescribed: *Provided*, That no patrolman shall be appointed under this section until he shall have paid into the trust fund, hereinbefore provided, the sum of five dollars. The person so appointed may be removed at any time by the board of police without cause assigned for the removal. The board of police may also, upon any emergency, or mob, pestilence, invasion, or during any day or public election or celebration, appoint as many special patrolmen from among citizens of Detroit as it may deem advisable, and for a specified time; and during the term of service of such special patrolmen they shall possess all the powers and privileges and perform all the duties of patrolmen of the force herein created, and shall receive such compensation, not exceeding three dollars per day, as said board may prescribe: *Provided, always*, That nothing herein contained shall give said board power to do anything in conflict with the powers of inspectors of election in said city; *Provided, further*, That policemen stationed at the polls on election days shall perform all the duties of, and be subject to all provisions of law relating to the attendance of constables at polls on election days; and no constable in said city shall receive any compensation for attendance upon the polls.

Proviso

Proviso.

Resignations.

(§ 558.) SEC. 18. No member of the police force, under penalty of forfeiting the pay which may be due to him, shall withdraw or resign from the police force, unless he shall have given one week's notice thereof, in writing, to the superintendent of police; and no person who shall ever have been removed from the police force es-

tablished by this act, for cause, shall be reappointed by the board of police to any office in the said police force.

Deposit of stolen property.

(§ 559.) SEC. 19. All stolen, or other property seized officially by the members of the police force, shall be deposited with the property clerk, and kept in a place to be designated by said board; and in case or neglect or refusal of any officer to so deposit the property taken, or found in the possession of any person or persons arrested, he shall be deemed guilty of a misdemeanor, and be subject to indictment, on information, and upon conviction be fined a sum not less than the value of the property nor exceeding three thousand dollars, and be imprisoned not to exceed one year; and the sentence of the court shall vacate the office of the person so convicted. All property or money taken on suspicion of having been feloniously obtained, or of being the proceeds of crime, and for which there is no other claimant than the person from whom it was taken, and all lost property coming into the possession of any member of said police force, and all property and money taken from pawnbrokers, as the proceeds of crime, or by any such member from any insane or intoxicated person, or person otherwise incapable of taking care of himself, shall be registered by the property clerk, in a book kept for that purpose, together with the name of the owner, if ascertained, and the name of the place where found, and of the person from whom taken, with the general circumstances and the date of its receipt, and the name of the officer recording the same, and shall be advertised, if the owner's name is not ascertained, in such manner as the rules and regulations of the board shall prescribe. An inventory of the money or other property shall be given to the person from whom the same is taken; and in case the same shall not, within ten days after such arrest and seizure, be claimed by any other person or persons, it shall be delivered to the person from whom it was taken, and to no other person, except by order of the board. In case said money or other prop-

Care of same.

erty shall, within said ten days, be claimed by any other person than the one from whom it shall be seized, it shall be retained by the property clerk until after the discharge or conviction of the person from whom the same was taken; and if the claimant or claimants shall establish to the satisfaction of the court before which the person from whom such goods and money are taken, that he or they are the rightful owners of the same, the same shall be restored to him or them upon the order of said court; but if the court makes no order, said property shall be returned to the accused personally. All property and money that shall remain in the custody of the property clerk for the period of six months, without any lawful claimant thereto, shall be put into the "police life and health insurance fund," and the property shall be sold, after being advertised three times in some public newspaper in said city, and the proceeds paid to said fund. The board of police shall cause to be kept general complaint books, in which shall be entered every complaint preferred upon personal knowledge of the circumstances thereof, with the name and residence of the complainant. It shall also cause to be kept books for the registry of lost, missing or stolen property, for the general convenience of the public and of the police force of the city. It shall also cause to be kept books of record, wherein shall be entered the name of every member of the police force, his time and place of nativity, the time and place where he became a citizen (if he was born out of the United States), his age; his former occupation, number of his family and the residence thereof, the date of his appointment and dismissal from office, with the cause of the latter; and in every such record sufficient space shall be left against all such entries wherein to make record of the number of arrests made by such members of the police force, or of any special service deemed meritorious by the captains of police. It shall also cause to be kept, in proper books, the accounts of the board, and a record of their proceedings; and they shall pre-

Unclaimed property.

Complaint books.

Police records.

serve and file copies of all bills audited and allowed, and keep an accurate account of all expenses of the police department. The board of police shall also cause to be kept and bound all police returns and reports.

(§ 560.) SEC. 20. It shall be the duty of the board of police to provide, at the expense of said city, all necessary accommodations within such precincts as shall be contained within the boundaries of said city, for the station houses required by the board of police, for the accommodation of the police force of such precincts, for the lodging of vagrant and disorderly persons, and for the temporary detention of persons arrested for offenses. It shall also be the duty of the said board of police to furnish the same suitably, and to warm and light the same by day and night, and provide food for any person or persons detained in any of the said station houses, when such food is deemed necessary for such person or persons by the officer in charge, and in every case of arrest the same shall be made known to the captain or sergeant upon duty in the precinct wherein such arrest was made, by the person making the same; and it shall be the duty of said captain or sergeant, as soon as practicable after such notice, to make written return thereof, according to the rules and regulations of the board of police, together with the name of the party arrested, the offense, the place of arrest, and the place of detention. All persons arrested by the officers or members of the police force shall be detained, while in their custody, only in the places provided for that purpose; and no trial or examination of any person arrested shall be held in the office of the superintendent of police, or of the board. Necessary and usual articles of clothing or personal apparel upon the person, or in the possession of persons arrested and detained, shall not be taken or seized by the police, unless there be reason to suspect that the clothing has been stolen or obtained unlawfully. The board of police shall provide suitable accommodations within said city for

Station houses.

Care of persons under arrest.

Report of arrest.

Necessary clothing not liable to seizure.

Detention of witnesses.

the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings, and such accommodations shall be in places other than those employed for the confinement of persons charged with crime, fraud or disorderly conduct; and it shall be the duty of all magistrates, in committing witnesses, to have regard to the rules and regulations of the board of police in respect to their detention. Every person arrested by the police, charged with the violation of any city ordinance, shall be entitled to give special

Bail.

bail for his appearance to answer to such charge; but no member of the police force shall become or furnish bail for any person arrested.

Expenses of criminal process.

(§ 561.) SEC. 21. The necessary expenses incurred in the execution of criminal process, for offenses charged to have been committed in the city of Detroit, and the maintenance of the police department hereby created within the city of Detroit, shall be a city charge.

Board of police to submit estimate.

(§ 562.) SEC. 22. It shall be the duty of the board of police to prepare and submit to the controller, on or before the first day of March in each year, an estimate of the whole cost and expense of providing for and maintaining the police department of said city during the ensuing fiscal year, which estimate shall be in detail, and shall be laid by the controller before the common council with the annual estimates; and the same be by the common council of said city submitted to the board of estimates of said city; and so much thereof as shall be approved shall be provided for in the general tax assessment, by levy to be laid on said city and collected with other city taxes; and said money shall be paid by the receiver and collector of taxes, when collected, into the city treasury, and shall be styled "the metropolitan police fund," and shall be drawn out therefrom for police purposes of said city under the fiscal regulations established by law for the government of said city, and the city treasurer of said city of

Detroit shall be the treasurer and custodian of the funds of said board. (As amended by act approved June 5, 1891.)

(§ 563.) SEC. 23. All moneys hereafter to be paid to any person or persons out of the police fund shall be certified by the president or acting president of the board of police to the secretary, who shall draw his warrant on the treasurer therefor, and the person to whom payable, and such warrant shall be countersigned by the president, or in his absence by the acting president of the board of police. Moneys to be paid only on warrants.

(§ 564.) SEC. 24. No expenses other than the salaries and pay herein provided shall be incurred by the board of police, except for rent, record books, stationery, printing, telegraphing, badges, clubs, furniture of necessary rooms and stations, the preservation, repair and cleaning of the buildings and rooms used by the board, advertising, lights, fuel, board of prisoners, witnesses, and for the arrest, conveyance and custody of prisoners and witnesses, and preservation of the discipline and good order of the force, together with all the expenses which are actually necessary to perform all the duties and exercise all the powers by this act enjoined upon them and granted to them, unless the same shall be expressly authorized, and provision made therefor as a city charge by the common council of the said city of Detroit, all expenses which are actually necessary to perform all the duties and exercise all the powers by this act enjoined upon them and granted to them. The books and accounts kept by said board shall at all times be subject to the inspection of the mayor and controller, or either of them, and the common council may at any time require information respecting the same, the disclosure of which will not impair the usefulness and efficiency of the force. (As amended by act approved June 5th, A. D. 1891.) Expenses, etc

(§ 565.) SEC. 25. The board of police shall at all times cause the ordinances of the city to be properly enforced; and it shall be the duty of said board, at all times, whenever consistent with the rules and regulations of the board, and with the requirements of this Enforcement of city ordinances.

act, to furnish all information desired and comply with all the requests made by the common council of said city, or by the mayor thereof, to quell riots, suppress insurrections, protect the property and preserve the public tranquility. The board of police shall have the power to issue subpœnas, attested in the name of its president, to compel before it the attendance of witnesses before any proceeding authorized by its rules and regulations. Each commissioner of police, the superintendent of police, and the secretary of the board of police, are hereby given power to administer, take, receive and subscribe all affirmations and oaths to any witnesses summoned and appearing in any matter or proceeding authorized as aforesaid, or to any depositions necessary by the rules and regulations of the board. Any wilful and corrupt false swearing by any witness or person making deposition before any of the officers last mentioned, to any material fact in any necessary proceedings under said rules and regulations, shall be deemed perjury, and punished in the manner now prescribed by law for such offense. The provisions of law now existing in respect to attachment of witnesses before justices of the peace, and to the compulsory attendance of the said witnesses, to appear and testify before them, are hereby applied to the case of witnesses subpœnaed before the board of police.

Board may issue subpœnas

Administration of oaths.

Perjury.

Attendance of witnesses.

Security of certain officers.

(§ 566.) SEC. 26. The board of police shall require and make suitable provisions concerning security to be entered into by the superintendent, the captains of police, the property clerk and treasurer; and said board may, in their discretion, require security from any member of the force, conditioned for the performance of any duty involving the care and disposition of property. Said board shall require each member of the force to take an oath of office, and the registry of the certificate thereof in a book to be kept for the purpose, which oath may be taken before any of the commissioners who is hereby empowered to administer the same.

Oaths of

(§ 567.) SEC. 27. The superintendent of police shall make to the board quarterly reports, in writing, of the state of the police force, with such statistics and suggestions as he may deem advisable for the enforcement of the police government and discipline. The board of police shall, on or before the first Monday in April in each year, report in writing the condition of the police within the said city to the common council. Superintendent to make quarterly reports. Board to report to common council.

(§ 568.) SEC. 28. No person holding office under this act shall be liable to jury duty, or to arrest on civil process while actually on duty. Police exemptions

(§ 569.) SEC. 29. It shall be a misdemeanor punishable by imprisonment in the county jail not more than two years, for any person, without justifiable or excusable cause, to use personal violence upon any elector in said city of Detroit, while attending the polls on any election day, or upon any member of the police force thereof when in the discharge of his duty; or for any person, not a member of the police force, to falsely represent himself as being such member, with a fraudulent design. Personal violence on elector at election polls, etc.

(§ 570.) SEC. 30. Either of said commissioners of police may at any time be removed by the governor, under the provisions of statutes relating to the removal from office of sheriffs, which provisions are hereby extended so as to relate to each one of the said commissioners; and in all cases where charges are made out against a commissioner he shall have an opportunity to present evidence in his behalf. Removal of Commissioners of Police.

(§ 571.) SEC. 31. Any one of the said commissioners, or any member of the police force, who shall, during his term of office, accept or hold any office elective by the people, or who shall, during his term of office, be publicly nominated for any office elective by the people, and shall not, within ten days succeeding the same, publicly Idem.

decline the said nomination, shall be, in either case, deemed thereby to have resigned his commission, and to have vacated his office.

Common Council to raise by tax funds for support of police department.

(§ 572.) SEC. 32. The common council of Detroit are hereby empowered and directed annually to order and cause to be collected and raised by tax upon the estates, real and personal, subject to taxation according to law, within the said city of Detroit, the sums of money as aforesaid annually estimated for the said total expense of the metropolitan police, authorized by this act.

Power and duty of deputy superintendent.

(§ 573.) SEC. 33. The deputy superintendent shall be subject to the control and direction of the superintendent, and shall have charge of such details as the board, by resolutions or rules and regulations, may prescribe. In the absence of the superintendent, the deputy superintendent shall have and exercise all the powers conferred by this act on the superintendent, and shall be subject to removal in the same manner as the superintendent. (As amended by act approved June 17, 1887.)

Policemen forbidden to enter saloons, etc.

(§ 574.) SEC. 34. No policeman or officer of police shall, while on duty, be at liberty to enter any drinking or gaming saloon, or other place where liquors are sold to be drunk on the premises, or house of prostitution, except for the purpose of discharging some of the duties of his office.

Police to serve all criminal process and attend criminal Courts, etc.

(§ 575.) SEC. 35. The members of the metropolitan police force shall have the exclusive power, and it shall be their duty, to serve all process within the city of Detroit, issuing from the recorder's court, police court, and from justices of the peace in criminal cases, within said city, whether directed to constables, the sheriff or otherwise, and shall be detailed by the proper officers to attend, instead of deputy sheriffs or constables, all courts of criminal jurisdiction of said city; all the duties now performed by deputy sheriffs in serving writs, executing orders of said court, attending said court, conveying prison-

ers to and from the county jail for arraignment or trial before said court, and in conveying prisoners to the Detroit house of correction, the reform school, county jail, state prison or other place of punishment or imprisonment, under the judgment, sentence, order or process of said court; shall be performed by the members of said police force; and in no case shall deputy sheriffs, or any constable of said city, receive or be paid, by the county or state, any fee or compensation for services directed in this section, or in any part of this act, to be performed by the members of said force. The actual expenses of travel and of performing duties under this section shall be paid by the county of Wayne, upon bills allowed by said board of police, and indorsed by the president and secretary thereof.

Offices of City Marshal and assistant abolished.

(§ 576.) SEC. 36. The offices of city marshal and assistant marshal of the city of Detroit are hereby abolished, and the duties of said offices shall hereafter be performed by the superintendent of police, or by the captains and sergeants of police, under his directions, in accordance with the provisions of this act, but this section shall not be operative until the superintendent of police, or captains of police, authorized by this act to be appointed, shall be sworn into office.

Bail of persons committed to House of Correction.

(§ 577.) SEC. 37. No person committed to the house of correction for want of bail shall be discharged therefrom, on bail, until the order of discharge, by the magistrate or court who committed said person, or by the judge of some circuit court, or the recorder of said city (all of whom are authorized to approve of and take such bail), together with the original recognizance approved by such magistrate, court, judge or recorder, shall have first been delivered to the superintendent of the house of correction; and said superintendent is hereby directed in every case to transmit said recognizance to the superintendent of police, who shall, whenever the said recognizance is forfeited by the principal therein named, deliver the same to the at-

Prosecution of forfeited bail.

torney of the board of police for prosecution; and said attorney shall forthwith proceed to collect the same by applying to the recorder's court of said city for an order upon the sureties in said bond to show cause why said recognizance shall not be forfeited and judgment entered for the amount of penalty therein mentioned against them, on a day in said order set forth. Said order shall be served personally upon said sureties, if they can be found in said city, and if they cannot be found, by leaving a copy at their last place of abode, at least four days before the day therein set forth, and shall be granted only upon the filing with said court of an affidavit or affidavits, showing to the satisfaction of said court that the principal named in said recognizance has, during the time for which recognizance is conditioned for his or her good behavior, been found guilty by a competent court of being a disorderly person, of any crime or misdemeanor, or that he or she has been and is a disorderly person, at any time within the life of said recognizance, and since his or her discharge from said house of correction. And the said sureties, or either of them, upon the service on them, or either of them, of said order and affidavit, or affidavits, shall come into court upon the day in said order named, and show cause by affidavit or otherwise, as the court may direct, why judgment shall not be entered against them, or either of them, on said recognizance; and if they, or either of them, after service of said order, fail to appear, or do not show sufficient cause, said court shall enter judgment against both, all or either of them, upon their said recognizance, and shall issue execution thereon, and collect the same in the same manner as in cases of judgment on forfeited recognizances in said court. All moneys collected on such executions shall be paid by the officer collecting the same, or by the person or persons against whom the judgment was rendered, to the clerk of said court, who shall, within three days after receiving the same, pay it to the officer empowered by law to receive it.

Moneys recovered for same.

(§ 578.) SEC. 38. Sections one, two, three, four, five, six, seven, eight and nine, of chapter thirteen, of an act entitled "An act to revise the charter of the city of Detroit," approved February fifth, one thousand eight hundred and fifty-seven, which chapter was added by "An act to amend an act entitled an act to revise the charter of the city of Detroit, approved February fifth, one thousand eight hundred and fifty-seven," and approved March twelfth, one thousand eight hundred and sixty-one; also sections one, two and three of an act entitled "An act to amend an act entitled an act to revise the charter of the city of Detroit, approved February fifth, one thousand eight hundred and fifty-seven," and approved February 4th, one thousand eight hundred and sixty-four, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed; such repeal, however, to take effect and become operative only when the board of police appointed by this act shall be duly organized, and a police force shall be appointed by said board and sworn into office. The president of the board of metropolitan police shall notify the city marshal and assistant marshal in writing, and publish a notice in two daily papers published in Detroit, stating the fact and time of the organization of the said police force, for the purpose of fixing the time when sections thirty-five and thirty-six, and this section, shall become operative.

Certain sections of City Charter repealed.

Board to give notice of organization.

(§ 579.) SEC. 39. Any person who has no trade or occupation at which he actually labors, and has no visible means of support, who frequents places for the retailing of spirituous liquors, and any person who frequents houses of ill-fame, or places where gaming for money is carried on, and any person in whose possession burglars' tools shall be found, for the possession of which he or she cannot account satisfactorily, and any person who, having been convicted and imprisoned for any offense, neglects for the period of ten days to engage in some lawful business or occupation, shall be deemed a dis-

Disorderly conduct defined.

orderly person, and shall be complained against, examined and dealt with as is provided by the statutes of this state for disorderly persons.

Proceedings in regard to burglars' tools.

And it shall be the duty of the members of the police force to seize all burglars' tools, wherever found, and if the owner thereof can be discovered, to complain of him under this section, and if he is found guilty under such complaint, the superintendent or some captain of police shall destroy or mutilate such tools, so that they cannot be used for burglarious purposes again, and if the said owner is not convicted, said tools shall be returned to him. If the owner of said tools shall not be found within ten days after they are seized, the superintendent or some other member of the said force shall take the same to the police justice, and make oath before him of the time when and place where said tools were found; and if the said police justice shall find that said tools are burglars' tools, he shall order the same to be destroyed by the superintendent or some captain of the police; and if the said police justice, upon the examination of any person upon complaint under this section, shall decide that any of the tools are not burglarious, such tools shall be returned to the owner, or if upon tools being brought before him, the owner of which cannot be discovered, he shall decide that all or part of them are not burglarious, then such as he decides are not burglarious shall be left and disposed of in the same manner as is provided for property found by the police.

Cases brought before police justice not cognizable by him.

(§ 580.) SEC. 40. Whenever the police justice of said city shall find, upon examination before him, that an offense not cognizable by him has been committed, and that there is probable cause to believe the person charged is guilty thereof, if the offense is bailable, said justice shall bind the said person with sufficient sureties to appear before the recorder's court; and in default of said person entering into a recognizance for his appearance at said court, as ordered by said justice, said justice shall commit him or her to the county jail for

trial; and the person so committed may, during the time he or she is confined in said jail awaiting trial, appear before said justice and give bail for his or her appearance at the recorder's court, and no other court, magistrate or officer shall, under any circumstances, admit said person to bail except judges of the supreme and circuit courts, or the recorder of said city. If said person is brought by writ of *habeas corpus* before a circuit court commissioner, said commissioner, upon return being made to him on said writ, that said person is imprisoned by virtue of being committed for trial by said police justice, shall not admit said person to bail nor proceed to further hear the case under the writ, except to receive evidence sustaining or denying the truth of the return. In no case shall said police justice, or any judge, court, magistrate, or officer authorized to take bail for the appearance of any person charged with crime in said city receive as surety for said person any person who is a party to a recognizance for the appearance of a person charged with crime, and which recognizance has been forfeited and is unpaid, or upon which recognizance judgment has been rendered but is unpaid and unsatisfied. Every judge, court, magistrate and officer, and said police justice shall, before receiving and accepting any person as surety under this section, require said person to swear that he is not a party to any forfeited and unpaid recognizance, nor a party to any unsatisfied judgment upon any recognizance for the appearance of any person charged with or convicted of crime or misdemeanor.

Bail sureties.

(§ 581.) SEC. 41. In all cases of trial or examination of any defendant before the police court of the city of Detroit, if any adjournment of any such trial or examination shall be had, and in all cases of the postponement of the examination of any party under arrest before said court, it shall not be competent for any other officer than the police justice, or the person acting as such, to take bail for the appearance of the accused at the said adjourned day.

Bail for appearance on adjourned day.

PENSIONS TO POLICEMEN AND WIDOWS AND ORPHANS OF POLICEMEN.

An Act to provide for the pensioning of the widows and orphans of members of the metropolitan po ice force of the city of Detroit, killed or dying from the effects of injuries received while in the performance of their duty, and also to provide for a pension for members of the metropolitan police force of the city of Detroit who are injured or totally or partially disabled from injuries received while in the performance of their duty, and provide for a fund for and manner of payment of such pension.

In case of death from injury widow to receive pension.

(§ 582.) SECTION 1. *The people of the State of Michigan enact*, That whenever a member of the metropolitan police force of the city of Detroit shall be killed or shall die from the effects of injuries received while in the performance of his duty, leaving a widow, but no children, his widow shall be paid a pension of twenty-five dollars per month. Should such police officer leave children, said widow shall be entitled to an additional sum of five dollars per month for each child so left by the death of such police officer; such pension of twenty-five dollars per month shall continue during the life of said widow providing she does not re-marry, upon which contingency said pension of twenty-five dollars per month shall cease to be paid. And said five dollars per month shall thereafter be paid to the legal guardian of the surviving children of said officer. The pension provided for in this act for the children of such deceased officer shall cease upon the death of such child or upon its attaining its sixteenth year.

Children of policemen to receive pension, when.

(§ 583.) SEC. 2. Should such deceased police officer leave no widow, but shall leave children surviving him, a pension of eight dollars per month for each child shall be paid to the guardian of such child or children, to be used in providing for the proper care, education and maintenance of such child. Said sum of eight dollars per month shall cease upon the death of such child or upon its attaining its sixteenth year.

Total disability.

(§ 584.) SEC. 3. Any member of the metropolitan police force of the city of Detroit who shall become totally disabled from injuries received while in the performance of his duties shall be paid a pension of fifty dollars per month during his life or while such total disability shall exist. Total disability shall mean total inability to perform manual labor, total loss of eye-sight, loss of speech, and loss of right arm or both legs.

Injuries.

(§ 585.) SEC. 4. Any member of the metropolitan police force of the city of Detroit who shall from the effects of injuries sustained while in the performance of his duties lose his left arm, hearing, one eye, nose, one leg, loss of fingers on either hand, or of any other member of the body, which comes within the common law definition of mayham, he shall be entitled to such pension, not exceeding fifty dollars per month, as the committee provided for in section seven of this act shall determine to be just: *Provided*, That the determination of said committee shall in all things be final.

Pensions, how paid.

(§ 586.) SEC. 5. The pension provided for in this act shall be paid by a warrant drawn and signed by the city clerk of the city of Detroit, and countersigned by the controller of the city of Detroit upon the treasurer of said city, and shall be paid out of the general fund of said city, until the pension fund herein provided for shall have been raised, and thereafter from such pension fund.

Controller shall furnish estimates.

(§ 587.) SEC. 6. The city controller shall include in his annual estimates a sufficient sum to pay all pensions provided for in this act, when the same shall become necessary to constitute a police pension fund, which estimate shall be allowed by the proper estimating bodies and raised by direct taxation.

Persons entitled to pension shall petition common council

(§ 588.) SEC. 7. Whenever any person shall be entitled to a pension under the provisions of this act, they shall present a petition to the common council of said city, praying that they may be allowed the same; upon such petition being presented to the common council the president shall immediately appoint two members of said common council to act upon a committee, of which committee the mayor of said city, its controller and the president of said council, together with the president of the board of police commissioners, shall be members, the mayor being chairman. Said committee shall consider such petition, and if said committee shall determine that the applicant is entitled to a pension under the provisions of this act, they shall report such determination back to said common council at its next regular meeting; which body shall order the name of said applicant placed upon a pension roll to be provided by the city clerk, and thereafter such applicant shall be entitled to draw such pension as hereinbefore provided: *Provided, however*, That the city clerk may provide a day in each month for the payment of such pensions, notification of which day shall be sent to each person entitled to such pensions, and such day when fixed shall not be changed during the official term of said clerk: *Provided, further*, That should said committee of the common council determine that the applicant is not entitled to a pension, they shall report the same as above provided, and such decision shall for all purposes be final.

Proviso.

Pensions to be paid from date of injury or death.

(§ 589.) SEC. 8. In all cases the pensions provided for in this act shall be paid from the date of the death of such officer, or from

the date when injury, resulting in partial or total disability, was received. The provisions of this act are hereby made applicable to the widows and children of George Kimball, Alonzo Bullard, Albert T. Thayer and Edward Schumacker. This act is ordered to take immediate effect. (Approved June 23d, A. D. 1891.)

DISABLED AND INCAPACITATED POLICEMEN.

An Act to provide for placing on the retired list, on reduced pay, members of the metropolitan police force of the city of Detroit who shall have become disabled and incapacitated while in the active performance of official duty, and members of said force and persons in the employ of the police board of said city of Detroit, who after twenty-five years' faithful, continuous service, shall have become permanently incapacitated from performing regular active duty.

Disabled or incapacitated policemen.

(§ 590.) SECTION 1. *The people of the State of Michigan enact,* That whenever a member of the metropolitan police force of the city of Detroit shall have become disabled or incapacitated while in the actual performance of official duty, and whenever any member of said force or other person in the employ of the police board of the city of Detroit, who has performed faithful service as such member or employe for a period of not less than twenty-five consecutive years, shall have become permanently incapacitated from performing regular, active duty, he may be retired by the board of police commissioners from regular, active service and placed upon the retired list and when so retired shall be paid annually, in equal monthly payments, a sum equal to one-half the annual pay received by him at the time of his retirement, if the surgeon of said force, or some other competent physician authorized by said police board to act in the premises shall certify to said board in writing that he is permanently, physically or mentally incapacitated from regular. active duty, which

finding shall be approved by said board by resolution duly of record: *Provided*, That no member of said force shall be so retired until he has been duly notified by said board of its intention to so retire him, and he has had an opportunity of being heard in opposition thereto.

Officers on the retired list.

(§ 591.) SEC. 2. Officers on the retired list shall be subject to the orders and discipline of the board of police commissioners, and shall perform such duties as may be required of them, and shall be subject to dismissal and to punishment in the same manner as officers in regular, active service.

Board of commissioners may require retired officers to be examined by surgeon.

(§ 592.) SEC. 3. Said board of police commissioners may at any time require officers on the retired list to be re-examined by the surgeon of said force, or some other competent physician authorized by said board to act in the premises, and if on such re-examination they are reported capable of performing regular duty, they may be required by said board to return to regular duty on full pay.

Nothing in this act to be construed to apply to special policemen.

(§ 593.) SEC. 4. Nothing in this act shall be construed to apply to special policemen nor to patrolmen appointed at the request and expense of private parties, nor shall any person in the actual receipt of a pension for injuries received as a member of said police force draw any pay under the provisions of this act.

Rewards, gifts, etc.

(§ 594.) SEC. 5. All rewards and all the proceeds of gifts and emoluments that may be allowed by the board of police commissioners to be given or paid on account of extraordinary services of members of the police force, all unclaimed money, proceeds arising from the sale of unclaimed property, and all fines imposed by the board of police commissioners upon members of the force for violations of rules, and the money now in the "police life and health insurance fund," which is hereby transferred, shall be paid into the Detroit city

treasury and used for the payment of salaries provided for in this act. Any additional moneys needed for the payment of persons on the retired list shall be estimated for and raised by taxation in the same manner as the other expenses of maintaining the the police force of the city of Detroit. Persons on the retired list shall be paid at the same time and in the same manner as members of the regular active force. (Approved May 4th, 1893.)

CHAPTER XXIII.

HOUSE OF CORRECTION.

An Act to establish the Detroit house of correction and authorize the confinement of convicted persons therein. (Approved March 15th, 1861. Laws of 1861, p. 262.)

(§ 595.) SECTION 1. *The people of the State of Michigan enact,* That the building erected for that purpose by the city of Detroit shall be known and recognized as the "Detroit house of correction," and shall be used for the confinement, punishment and reformation of criminals, or persons sentenced thereto, under the provisions of this act, or any law of this state authorizing the confinement of convicted persons in the said house of correction.

Name of Institution.

How to be used.

(§ 596.) SEC. 2. The management and direction of the said house of correction, subject to periodical inspection by the state authorities in their discretion, shall be under the control and authority of a board of inspectors, to be appointed for that purpose by the common council of the city of Detroit, upon the nomination of the mayor. Said board of inspectors shall consist of four members. The first four shall be appointed as follows. One member for one year, one for two years, one for three years, and one for four years. And annually thereafter one member shall be appointed for the full term of four years. And the official terms of the members of said board shall commence on the first day of July. Vacancies shall be filled in the same manner as the original appointments are made. (As amended June 2, 1881.)

Four inspectors.

To be nominated by the mayor.

Term of.

Vacancies.

Board may adopt rules, appoint superintendent, officers, guards, etc.

(§ 597.) SEC. 3. The Board of Inspectors of the Detroit House of Correction, as provided for in act number two hundred and seven of the public acts of eighteen hundred and eighty-one, are hereby authorized and empowered to establish and adopt rules for the regulation and discipline in said House of Correction, and to appoint a superintendent thereof, whose term of office shall be three years, the salary to be fixed by said board and not to exceed four thousand dollars, and the appointment to be made at least three months before the expiration of the term then pending, and to fix the compensation of the subordinate officers, guards and employees, who shall be appointed by the superintendent, and prescribe their duties not otherwise prescribed by law, and to make all rules and regulations in relation to the management and government thereof as they shall deem expedient. But no appropriation of moneys shall be made by said Board of Inspectors for any other purpose than the necessary expenses, and for the repairs of said institution from damages which may occur to the property known as the Detroit House of Correction, and from ordinary wear and usage of the same, without the sanction of the Common Council, by a vote of the majority of the aldermen elect in said city, at some regular meeting subsequent to the meeting in which such appropriation shall have been presented to said Common Council. All acts and parts of acts contravening the provisions of this act are hereby repealed. (As amended by act approved June 24, 1891.)

Salary of Superintendent.

Moneys not to be appropriated excepting for necessary expenses without consent of common council.

Meetings of board.

(§ 598.) SEC. 4. Said inspectors shall serve without fee or compensation. There shall be a meeting of the entire board at the house of correction once in each year, at such time as shall be fixed by said board. One or more of said appointed inspectors shall visit the said house of correction once at least in each month. There shall be a meeting of said appointed inspectors at said house of correction once in every three months, when they shall fully examine into its management in every department, hear and determine all complaints or

Meetings at House of Correction, when; to examine into management; to hear complaints.

questions not within the province of the superintendent, to determine and make such further rules and regulations for the good government of said house of correction as to them shall seem proper and necessary. All rules, regulations or other orders of said board shall be recorded in a book to be kept for that purpose, which shall be deemed a public record, and with the other books and records of said house of correction shall be at all times subject to the examination of any member or committee of the common council, the controller, treasurer or attorney of said city, or any officer or person duly authorized by any court of record in this state to make such examination.

Records of

Open to inspection.

(§ 599.) SEC. 5. The books of said house of correction shall be so kept as to clearly exhibit the state of the prisoners, the number received and discharged, and the receipts from and expenditures for and on account of each department of business, or for repair, or improvement of the premises. A quarterly statement shall be made out, which shall specify minutely all receipts and expenditures, proper vouchers for each expenditure shall accompany each statement and the same be approved by the inspectors and the common council of the city of Detroit, and returned to the controller of said city for safe keeping. The accounts of said house of correction shall be annually closed and balanced on the 31st day of December of each year, and the annual report submitted as soon thereafter as practicable, the first report to be made in (1882) eighteen hundred and eighty-two, giving a full account of the operations of the preceding year, and the same submitted to the board of inspectors, and with their report to the common council, a copy of which shall be transmitted to each department of the state government, and to each county in the state having contracts with said city for the confinement and maintenance of convicted persons. And such report shall be published in some newspaper in the city or in such other form as

Records, how kept.

Quarterly statement.

Accounts, when to be closed.

Annual reports when made and to whom to be sent.

To be published

shall be directed by said board of inspectors. (As amended April 10 1883.)

Repealing clause.

(§ 600.) SEC. 6. All provisions of law relative to the appointment or term of office of all officers of said house of correction not contained herein are hereby repealed. (As amended June 5, 1881.)

Superintendent, his powers and duties.

(§ 601.) SEC. 7. The superintendent of the said house of correction shall have entire control and management of all its concerns, subject to the authority established by law and the rules and regulations adopted for its government; it shall be his duty to obey and carry out all written orders and instructions of the inspectors not inconsistent with the laws, rules and regulations relating to the government of said institution. He shall be responsible for the manner in

Residence of.

which said house of correction is managed and conducted. He shall reside at said house of correction, devote his time and attention to the business thereof, and visit and examine into the condition and management of every department thereof and of each prisoner therein confined, daily, or as often as good order or necessity may require. He shall exercise a general supervision and direction in regard to the discipline, police and business of said house of correction. The

Deputy Superintendent, his powers and duties.

deputy superintendent of said house of correction shall have and exercise the powers of the superintendent, in his absence, so far as relates to the discipline thereof and the safe keeping of prisoners.

Counties may contract for keeping of criminals.

(§ 602.) SEC. 8. The board of supervisors of any organized county in the state shall have full power and authority to enter into an agreement with the common council of the city of Detroit, or with any authorized agent or officer in behalf of said city, to receive and and keep in the Detroit house of correction any person or persons who may be sentenced to confinement by any court or magistrate in any of said counties, for any term not less than sixty days. Whenever such agreement shall have been made, it shall be the duty of the

board of supervisors for any county in behalf of which such agreement shall have been made, to give public notice thereof in some newspaper published within said county, and in case no newspaper is published in said county, then such notice shall be published in some newspaper within the judicial district to which said county is attached, for a period not less than four weeks, and such notice shall state the period of time for which such agreement will remain in force.

Notice of contract, how given.

(§ 603.) SEC. 9. In every county having such agreement with the said City of Detroit, it shall be the duty of every court, police justice, justice of the peace, or other magistrate, by whom any person, for any crime or misdemeanor not punishable by imprisonment in the state prison, may be sentenced for any term not less than sixty days, to sentence such person to the Detroit House of Correction, there to be received, kept and employed, in the manner prescribed by law, and the rules and discipline of the said House of Correction; and it shall be the duty of any such court, police justice, justice of the peace, or other magistrate, by a warrant of commitment duly issued by the court, justice or magistrate declaring such sentence, to cause such person so sentenced to be forthwith conveyed by some proper officer to said House of Correction.

Duty of courts and justices in counties making contract.

(§ 604.) SEC. 10. It shall be the duty of the sheriff, constable or other officer in and for any county having such agreement with said City of Detroit, to whom any warrant or commitment for that purpose may be directed by any court or magistrate in such county, to convey such person so sentenced to the said Detroit House of Correction, and there deliver such person to the keeper or other proper officer of said House of Correction, whose duty it shall be to receive such person so sentenced, and to safely keep and employ such person for the term mentioned in the warrant or commitment, according to the laws of said House of Correction; and the officer thus conveying and so deliv-

Duty of sheriffs and constables in counties making contract

ing the person or persons so sentenced, shall be allowed such fees or compensation therefor as shall be prescribed or allowed by the board of supervisors for the county in which such person shall have been convicted.

Fees of officers.

State Prison inspectors may contract for confinement of criminals.

(§ 605.) SEC. 11. The inspectors of the state prison may contract with the said City of Detroit, or any duly authorized agent or officer in behalf of said city, for the confinement and maintenance in the Detroit House of Correction of persons convicted of any offense punishable by imprisonment in the state prison. *Provided*, That the compensation to be paid for such confinement and maintenance shall not exceed the sum of one dollar per week; and upon the completion and execution of any such contract, the inspectors of the state prison and of the said House of Correction shall give public notice thereof, in some weekly newspaper, in each county in which a weekly newspaper is published, after which any male person, under the age of twenty-one years and above the age of sixteen years, who shall be convicted of any offense (murder and treason excepted), punishable by imprisonment in the state prison, may, in the discretion of the court before whom such conviction shall be had, be sentenced to imprisonment in the Detroit House of Correction; and every male between the ages of sixteen and twenty-two years, who shall, for the first time, be so convicted, shall be sentenced to said Detroit House of Correction. And every female, who shall be so convicted, shall be sentenced to said House of Correction. And every person so sentenced shall be received into the said House of Correction, and shall be kept and employed in the manner prescribed by law, and shall be subject to the rules and discipline of said House of Correction.

Compensation

Notice of contract; how given.

Duty of the sheriffs.

(§ 606.) SEC. 12. It shall be the duty of the sheriff of any county within which any person shall be convicted and sentenced, as in the eleventh section of this act provided, to convey such person to the said House of Correction, and deliver him or her to the super-

intendent thereof, for which such sheriff shall be paid the same fees and compensation allowed for conveying persons to the state prison. Fees of.

(§ 607.) SEC. 13. All provisions of law authorizing the commitment and confinement of males under sixteen, and females under fourteen years of age, in jails, workhouses or houses of correction in the City of Detroit, are hereby made applicable to all persons who may or shall be, under the provisions of this act, sentenced to the said Detroit House of Correction. Certain males and females under age to be sent to House of Correction.

(§ 608.) SEC. 14. The expenses of maintaining the said House of Correction, over and above all receipts for the labor of persons confined therein, and for the support of those whose support shall not be chargeable to the county of Wayne, or be otherwise provided for, shall be audited and paid, from time to time, by the Common Council of the City of Detroit, and shall be raised, levied and collected as part of the ordinary expenses of said city. Expenses of House of Correction; how to be defrayed.

(§ 609.) SEC. 15. Whenever the said house of correction all, in the opinion of the board of inspectors, by this act created and established, or by a majority of them, be so far completed as to insure the safe confinement and employment therein of persons intended to be therein confined, they shall make duplicate certificates thereof under their hands and seals, one of which they shall file in the office of the clerk of Wayne county, and the other shall be served upon the sheriff of said county, and the said sheriff shall thereupon transfer all such persons to the said house of correction, and the superintedent thereof shall receive such persons and safely keep them for the term for which they are sentenced, and employ them according to the discipline and rules established for the government of said house of correction. Inspectors to make certificates, where filed and upon whom served.

(§ 610.) SEC. 16. The board of auditors for the county of Wayne shall have full power and authority to enter into an agreement with the common council of the city of Detroit, or with any au- Agreement with common council for keeping prisoners.

thorized agent or officer in behalf of said city, to receive and keep in the Detroit house of correction any person or persons who may be sentenced to confinement in said house of correction by any court or magistrate in said county of Wayne, for the offenses in this section hereinafter mentioned. Whenever such agreement shall have been made, it shall be the duty of the board of auditors for said county to give public notice, in some newspaper published within said county, for a period of not less than four weeks, and such notice shall state the period of time that such agreement will remain in force. Upon the making of such agreement, it shall be the duty of every court or magistrate in the said county of Wayne, authorized by law to sentence or commit any person to the county jail of said county as vagrants, common drunkards, disorderly persons, common prostitutes, or for assault and battery, petit larceny or other offenses punishable by imprisonment in the county jail, or by virtue of any final sentence or conviction, except for contempt, to sentence such person to be confined in the said house of correction, there to be received, kept and employed according to law, under the rules and regulations of said house of correction. And it shall be the duty of all officers having the execution of the final process of any court or magistrate sentencing convicted persons to said house of correction, to cause such convicts to be conveyed forthwith to said house of correction, and such officer or officers shall be paid therefor the fees allowed by law for conveying persons to the county jail; but this section shall not apply to those juvenile offenders who by law may be sent to the reform school at Lansing. (As amended by Public Act No. 98, Session Laws of 1879.)

Notice of agreement to be published.

Duty of Courts in making sentence.

Officers to convey prisoners to House of Correction.

Fees.

Section not to apply to juvenile offenders.

When justices to commit to House of Correction.

(§ 611.) SEC. 17. It shall be lawful for any justice of the peace, police justice or other magistrate having jurisdiction thereof, in the County of Wayne (when such agreement shall have been made), or in any other county having an agreement with the authorities of the City

of Detroit for the confinement and maintenance of convicted persons in said House of Correction, in all cases of complaints for vagrancy, to commit any person, except such juvenile offenders as are mentioned in the last preceding section, convicted on such complaint before such justice or magistrate, to said House of Correction, for a term not exceeding six months. (As amended by Public Act No. 98, Session Laws of 1879.)

Escape or breaking House of Correction with intent, etc.

(§ 612.) SEC. 18. Every person lawfully committed to said House of Correction, who shall escape from or break said House of Correction with intent to escape therefrom, or who shall attempt by any force or violence, or in any other manner to escape from said House of Csrrection, whether such escape be effected or not, shall, upon conviction thereof, be punished by confinement in said House of Correction for a term not exceeding double the term for which he or she was so sentenced, to commence from and after the expiration of his or her former sentence. Penalty.

Transfer of females from the State Prison.

(§ 613.) SEC. 19. Upon the completion and execution of a contract for the confinement and maintenance of persons liable to imprisonment in the state prison in the said house of correction, as provided in section eleven of this act, it shall be competent and lawful for the inspectors of the state prison to transfer to said house of correction all females confined in the state prison, and such persons so transferred shall be received into said house of correction and there confined and employed for the unexpired term of their sentences respectively.

Superintendent to keep record of offenses against discipline.

(§ 614.) SEC. 20. The superintendent of said house of correction shall cause to be kept a record of each and all infractions of the rules and discipline of said house of correction, with the names of convict or convicts offending, and the date and character of each offense; and every convict sentenced for one or more years, whose

name does not appear upon such record, shall be entitled to deduction of three days per month from his or her sentence, for each month they shall continue to obey all the rules of the said house of correction.

Claims for keeping convicted persons, how adjusted.

(§ 615.) SEC. 21. The board of auditors of the county of Wayne and the common council of the city of Detroit shall have full power and authority to settle and adjust, on such terms as shall be agreed upon, any and all claims or demands of the city of Detroit against the said county of Wayne for the board and expense of keeping convicted persons in the Detroit house of correction, committed thereto by any officer or magistrate in said county of Wayne, within or without the limits of said city of Detroit, at any time prior to the time this act shall take effect. (As added by Public Act No. 98, Session Laws of 1879.)

HOUSE OF CORRECTION—SUPPLEMENTARY ACT.

An Act supplementary to an act entitled "An act to establish the Detroit house of correction, and authorize the confinement of convicted persons therein." (Approved March 17th, 1867. Laws of 1867, Vol. I., p. 175.)

Females liable to State Prison to be sent to House of Correction.

(§ 616.) SECTION 1. *The People of the State of Michigan enact*, That hereafter, whenever any female shall, in any court of the state of Michigan, be convicted of any crime or offense, except murder, which would under the existing laws of this state subject her to confinement in the state prison, that the court by or before whom she shall be so convicted, shall sentence her to confinement in the Detroit house of correction, instead of the state prison, for such term as the said court shall deem just; and it shall be the duty of the superintendent of said house of correction to receive and securely keep all females so convicted, sentenced and committed to said house of correction, until the term of her or their sentence has expired, or until she or they are otherwise duly discharged by law or competent authority.

Duty of the Superintendent.

Commutation of sentence of females to confinement in the Detroit House of Correction.

(§ 617.) SEC. 2. Whenever the sentence of any female now confined, or that shall hereafter be confined, in the state prison, shall be by the governor, or other competent authority, commuted to confinement for any period in the Detroit house of correction, it shall be the duty of the agent of said state prison to at once transmit such person in proper and safe custody to the superintendent of said house of correction, whose duty it shall be to receive and safely keep her in

said house of correction until the expiration of her sentence as commuted, or until she is otherwise discharged by due process of law or competent authority. And the board of inspectors of the state prison are hereby authorized and empowered to contract with the board of inspectors of said house of correction for the maintenance at said house of correction of persons sentenced pursuant to the provisions of this section: *Provided*, That the compensation shall not exceed one dollar per week. (As amended by Public Act No. 67, Session Laws of 1879.)

Inspectors of prison may contract with House of Correction.

Proviso.

(§ 618.) SEC. 3. Hereafter, when any person found guilty of disorderly conduct or breach of the peace by any court of said state, in any county, having, with the city of Detroit or its duly authorized agent, an agreement such as is specified and provided for in section eight of said act, to which this is amendatory, shall be sentenced to give bail for good behavior, or upon other condition, it shall be competent for the court by or before which such person is convicted, to sentence her or him to confinement in said house of correction for the non-giving of or until such bail is given, and the superintendent of said house of correction shall receive and safely keep the person so committed until the term of commitment has expired, or until he is served with a certificate signed by a circuit judge of the circuit in which is included the county where such person was convicted, stating that by giving of bail, or otherwise, the terms of the sentence or commitment of such person have been complied with.

Confinement in House of Correction for not giving bail to State Court

(§ 619.) SEC. 4. Whenever any court of the United States (sitting in this state), or any officer thereof, shall order or sentence any person upon conviction to be confined in the Detroit house of correction for any period of time, or for want of bail, or for any other cause, it shall be the duty of the superintendent to receive such person and him or her safely keep until the terms of such order or sen-

tence are fully complied with, and it shall be the duty of the superintendent safely and securely to keep all such persons as have heretofore been received by him by virtue of any process, order or sentence of any court, of the United States, or any officer thereof, in compliance with such process, order or sentence. (As amended by act approved May 20, 1893.)

Laws applicable to person in House of Correction same as in State Prison.

(§ 620.) SEC. 5. All laws now in force, applicable to persons confined in the state prison, shall be and are hereby made applicable to all persons who are, or hereafter shall be confined in said house of correction, who have been transferred to said house from the state prison, or who shall be sentenced to confinement in said house, on conviction of any offense punishable by confinement in the state prison.

Acts repealed.

(§ 621.) SEC. 6. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

(§ 622.) SEC. 7. No person shall be confined in the said Detroit house of correction sentenced from any other state or territory, or by any United States court sitting in any other state or territory than the state of Michigan: *Provided, however*, That this act shall not in any way affect the confinement of any person heretofore sentenced and undergoing imprisonment in said Detroit house of correction. (As added by act approved May 20, 1893.)

(§ 623.) SEC. 8. It shall not be lawful for the authorities of the said house of correction to employ any free labor in or about such institution, except such as may be necessary for the control and management of such house of correction and the care and detention of the persons confined therein. (As added by act approved May 20, 1893.)

SUPPLEMENTAL ACT.

An Act to provide for the imprisonment and detention of convicted persons in the Detroit house of correction. (Act approved April 3, 1869.)

No Circuit Court Commissioner of Wayne County shall grant writ or habeas corpus or certiorari to inquire into cause of detention.

(§ 624.) SECTION 1. *The People of the State of Michigan enact*, That no circuit court commissioner in the county of Wayne shall grant a writ of *habeas corpus* or *certiorari*, to inquire into the cause of the detention or restraint of the liberty of any person who is imprisoned, detained or restrained of his liberty upon criminal process, whether final or otherwise; and if under a petition which does not disclose that the person in whose behalf the writ is applied for is so imprisoned, detained and restrained, said commissioner grants said writ, he shall remand said person into custody, if return is made to said writ that said person is so imprisoned, detained or restrained, and shall discontinue all proceedings under said writ. Any order of said commissioner to discharge a prisoner or person charged with or convicted of a crime or misdemeanor, shall be void, and any officer or other person obeying the same shall be guilty of a misdemeanor. Said commissioner shall in no case inquire into the validity of the commitment, or other process by which prisoners convicted or charged with offenses are imprisoned or detained, nor shall said commissioner let any person charged with an offense to bail.

Order of Commissioner to discharge void.

Misdemeanor to obey.

Commissioner shall not inquire into validity of commitment, etc.

(§ 625.) SEC. 2. Any justice of the supreme court, the judge of the circuit court of Wayne county, any circuit judge of the state, and the recorder of the city of Detroit may grant writs of *habeas corpus and certiorari* in criminal cases in the county of Wayne.

Who may grant writ of habeas corpus and certiorari.

(§ 626.) SEC. 3. No person shall be released from custody when the return to a writ of *habeas corpus* alleges that the person in whose behalf said writ was issued is convicted by a court or officer of competent jurisdiction, of a crime or misdemeanor, or is committed to imprisonment to find sureties of the peace, by reason of any defect or informality in the process by which said person is committed by said court or officer; but the court or judge granting the writ shall only inquire into the truth of the return, and determine whether the court, or officer under whose judgment, order or finding said person is so imprisoned, or committed, has acted within the jurisdiction of said court or officer. No person committed to prison for trial shall be discharged by reason of defects in the process committing him. Whenever the process by which a person convicted or committed, and is held in the jail, house of correction or other prison, is defective in any respect, but has been issued by a court or officer of competent jurisdiction, in the exercise of that jurisdiction, the court or judge granting the writ of *habeas corpus* shall remand the person in whose behalf said writ was issued, by a mittimus under the seal of said court, or the hand and seal of said judge, commanding the proper officer to keep the said person in custody in accordance with the judgment, order or commitment of the court or officer by whose judgment, order or commitment said person is imprisoned, and said mittimus shall be and stand in the place of the process so defective. The provisions of this act shall apply to the county of Wayne only.

When release from custody shall not be made.

Court or judge granting writ shall only inquire into truth of return, etc.

Defect in process.

When process is defective, judge, etc., may remand by writ of mittimus.

Act applies to Wayne County only.

Imprisonment of convicted prostitutes.

(§ 627.) SEC. 4. Every person more than fifteen years of age who is a common prostitute shall, upon conviction thereof, be punished by imprisonment in the Detroit house of correction for a term of three years. Complaints under this section may, in cities having a police justice, be made to said police justice, who shall hear, try and determine the same. In the townships, villages and cities which have no police justice, said complaints shall be made to a justice of the peace, who shall hear, try and determine the same; but said justice of the peace shall, within thirty days after he has determined the said complaint, if the said person is found guilty, file in the office of the county clerk of his county copies of all the proceedings under the same, and of the testimony, which copies shall, by the said clerk, be forthwith submitted to the circuit judge of said county, who shall, in writing, approve or disapprove of the finding of said justice of the peace, which approval or disapproval shall be filed by said judge in the office of said clerk, and shall be final. If said judge disapproves of said finding, the clerk shall certify the same under the seal of the circuit court, to the superintendent of said house of correction, and said superintendent shall, upon the receipt of the certificate, release the person in whose case it is made. It is hereby made the duty of any sheriff, constable or superintendent of police in this state, to serve said certificate upon the requisition of the said clerk, on the superintendent of said house.

To whom complaints made in cities.

In townships, villages, etc.

Duty of Justice of the Peace.

Duty of County Clerk.

Duty of Sheriff, etc.

Powers of Inspectors of of Detroit House of Correction to establish rules, etc.

(§ 628.) SEC. 5. The inspectors of the Detroit house of correction may establish rules and regulations under which women confined in the said house by virtue of the preceding section may, upon reformation, or marked good behavior, be absolutely discharged from imprisonment therein, or be released conditionally from residence in said house before their term of imprisonment has expired, which rules and regulations shall be approved by the circuit judge of the

county of Wayne, and the recorder of the city of Detroit: *Provided*, That the person released conditionally may at any time before the expiration of their term of imprisonment be returned to a residence in said house under and by the written order of the said inspectors, which order shall be authority for any officer of said house, sheriff or policeman to arrest or return said persons. Proviso.

(§ 629.) SEC. 6. It shall be lawful for all courts of record having criminal jurisdiction in the state of Michigan, and all police justices and justices of the peace in said state, in the exercise of their criminal jurisdiction, to sentence female offenders, who are not more than fifteen years of age, to the Detroit house of correction; there to remain and be kept until they are twenty-one years of age. The age of said offenders shall be ascertained to the satisfaction of the court or officers sentencing said persons, and certified to the superintendent of said house, who shall receive and keep them until they are twenty-one years of age. Power of Courts of Record, etc., to sentence female offenders of certain age to Detroit House of Correction. How age ascertained.

(§ 630.) SEC. 7. WHEREAS, There is connected with said house of correction, as a department thereof, a house of shelter, for the education and reformation of females; therefore, the inspectors of said house shall adopt rules and regulations by which girls under fifteen years of age, sent to said house under this or any other law, shall be kept in said house of shelter, and shall not, except they are refractory and incorrigible in their conduct, be imprisoned in the other department of the said house of correction, to be subject to the restraints which govern adult prisoners. Girls under fifteen shall be kept in House of Shelter, etc.

(§ 631.) SEC. 8. Courts of record, the police court of the city of Detroit, and justices of the peace in the county of Wayne, in the exercise of their criminal jurisdiction, shall sentence all female offenders who are under fifteen years of age to the said house of correction, Jurisdiction of Courts of Record, Police Courts of Detroit and Justices of the Peace in Wayne County.

there to remain and be kept until they attain the age of twenty-one years. The age of such offender shall be ascertained and certified as provided in section six of this act.

Girls under fifteen may be discharged.

(§ 632.) SEC. 9. Any girl under the age of fifteen years, who is sentenced to the house of correction until she is twenty-one years of age, may be discharged therefrom at any time during her term of imprisonment, under such rules and regulations as the inspectors of said house may adopt.

Superintendent's report.

(§ 633.) SEC. 10. The superintendent of said house shall, in December of each year, report to the governor—

Contents.

First—The number and age of all persons confined therein;

Second—Their term of imprisonment;

Third—The cause of imprisonment;

Fourth—The number of persons discharged and the reasons why, and all other facts which he may deem necessary to explain the condition and necessities of said house.

Forms of commitment.

(§ 634.) SEC. 11. The following forms of commitment of prisoners sentenced under this or any other law of this state, to the house of correction, by a police justice or a justice of the peace, shall be sufficient;

Of common prostitute.

First—Commitment of a common prostitute:

——— County—ss.

To the superintendent or any patrolman of the metropolitan police of the city of Detroit, and the superintendent of the Detroit house of correction, greeting:

Whereas, After trial, upon a complaint duly taken by me, ———,* of ———; in said county, was convicted of being a common prostitute, and was by me sentenced to be imprisoned in the Detroit house of correction for three years,‡ from and including this —— day of

——, A. D. 18—. Now, therefore, you, the said ———, superintendent, or any patrolman of said police, are hereby required to convey said ——— to said house of correction, and deliver her into the custody of the superintendent thereof; and you, the said superintendent of said house, are commanded to receive said ——— into your custody, and her there safely keep until the expiration of said three years, or until she is discharged in accordance with law. Given under my hand, at the city of Detroit, this —— day of ——, A. D. 18—.

Girls under fifteen.

Second—Girls under fifteen years of age, the same form as above, except that after the name of the person committed, and before the** the words: "Who is hereby certified to be of the age of ——— years, and ——— on this day," shall be inserted, and in lieu of the words "three years," before the ‡, the words: "until she shall attain, the age of twenty-one years," shall be inserted, and the words "from and including the day of ———, A. D. 18—," shall be omitted.

Disorderly persons.

Third—The same form of commitment shall, as near as may be, be used in the cases of disorderly persons.

When outside of city, to whom addressed.

Fourth—In cases arising out of the city of Detroit, the said commitment shall be addressed to "the sheriff," or in towns or cities having a police force, to the superintendent or other authorized officer of the force. (Approved April 3, 1869.)

CONFINEMENT OF CERTAIN PRISONERS.

An Act to provide for the confinement of certain prisoners in the Detroit House of Correction.

Females sentenced to County jail may be transfered to House of Correction.

(§ 635.) SECTION 1. *The People of the State of Michigan enact*, That all female prisoners, who heretofore have been or shall hereafter be sentenced to imprisonment in the common jail of any county for a longer period than ninety days, in those counties where, at the time of such sentence, no contract had been made for the confinement of prisoners from such counties in the Detroit House of Correction, upon the order of the judge of the judicial circuit to which said county is attached, may be immediately conveyed to the Detroit House of Correction to serve out the remainder of their sentences as soon as such a contract shall be made between said counties and said Detroit House of Correction: *Provided*, That the unexpired portion of said sentence is not less than sixty days.

Sheriff to convey female poisoners to House of Correction, when contract made.

(§ 636.) SEC. 2. Upon being informed of such contract the sheriff of such county may immediately, upon receipt of the certificate of the judge, as above provided, convey such prisoners to the Detroit House of Correction, and the commitment directed to the sheriff of such county shall be sufficient warrant for the reception and confinement of such prisoners in the Detroit House of Correction.

This act is ordered to take immediate effect.

(Approved February 5, 1887.)

CONFINEMENT OF CONVICTED PERSONS.

An Act relative to the confinement of convicted persons in the Detroit House of Correction and the State House of Correction and Reformatory at Ionia.

(§ 637.) SECTION 1. *The people of the State of Michigan enact*, That any court of criminal jurisdiction in this state shall have power, in the discretion of the court, to sentence any male person, convicted for the first time of any offense (rape, murder and treason excepted) punishable by imprisonment in the state prison, to imprisonment in the state house of correction and reformatory at Ionia, or the Detroit House of Correction, instead of the state prison, and every such person so sentenced shall be received into the said house of correction, and shall be kept and employed therein in the manner prescribed by law, and shall be subject to the rules and discipline of said house of correction: *Provided*, That no charge against any county nor the state shall be allowed for the maintenance of persons sentenced to said Detroit House of Correction: *And provided, further*, That on the discharge of prisoners at the expiration of their terms of imprisonment in said Detroit House of Correction they shall be returned to their homes in the state, if known, at the expense of the Detroit House of Correction.

Persons for first offense may be sent to House of Correction instead of State Prison.

This act is ordered to take immediate effect.

(Approved April 19, 1887.)

CONFINEMENT OF PERSONS VIOLATING ORDINANCES.

An Act to provide for the confinement of persons who may be found guilty of the violation (of a village) ordinance or ordinances in incorporated villages in the connty of Wayne in this state.

For violation of village ordinances persons may be confined in House of Correction.

(§ 638.) SECTION 1. *The People of the State of Michigan enact,* That any person convicted of the violation of the ordinances of any incorporated village in the county of Wayne in this state, may, by any magistrate of competent jurisdiction of the offense, be sentenced to the house of correction in the city of Detroit, for a period of not less than thirty nor more than ninety days: *Provided*, The common council or board of trustees of the village shall have made a contract with said house of correction in the city of Detroit for the care of such prisoners.

Expenses how paid.

(§ 639.) SEC. 2. All expenses in the transportation of such prisoners, and all charges of said house of correction shall be audited and paid out of the contingent fund of said village, and shall in no case be a charge against the county in which said village is situated.

This act is ordered to take immediate effect.

(Approved June 24, 1887.)

PRISONERS COMMITTED OR SENTENCED BY COURTS OF THE UNITED STATES OR OF THE TERRITORIES THEREOF.

An Act relative to the confinement in this state of prisoners committed or sentenced by the United States or of the territories thereof.

(§ 640.) SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for the board of inspectors or other officers having charge of any person or penal institution in this state to contract with the government of the United States, or its duly authorized officers or agents, for the confinement of such person or penal institution of persons committed or sentenced to confinement or imprisonment by the circuit courts of the United States or district courts of the United States, for this or any other state or the territories of the United States: *Provided*, That the compensation to be said therefor by the United States shall not be less than one dollar a week for each person: *And provided, further*, That the United States shall at its own expense return such prisoners when discharged from confinement to the state or territory from which they come. (Approved June 20, 1889.)

Inspectors may contract with the United States.

CONFINEMENT OF DISORDERLY PERSONS.

An Act relative to disorderly persons, and to repeal chapter fifty-three of the Compiled Laws of 1871, as amended by the general acts amendatory thereof.

Authorizing confinement of disorderlies in House of Correction.

(§ 641.) SECTION 2. Any person complained of as being a disorderly person, and who shall be convicted or shall plead guilty, shall be punished by a fine not exceeding fifty dollars and costs of prosecution, or by imprisonment in the county jail or the Detroit house of correction not exceeding thirty days, or he may be required to enter into a recognizance with sufficient sureties for his good behavior for the term of three months. Any person who shall be convicted a second time of being a disorderly person, the offense being charged as a second offense, shall be punished by a fine not exceeding one hundred dollars and costs of prosecution, or by imprisonment in the county jail or the Detroit house of correction not less than thirty days nor more than three months; and for a third and all subsequent convictions, the offense being charged as a third or subsequent conviction, the punishment shall be a fine not exceeding one hundred dollars and costs of prosecution, or imprisonment in the county jail or the Detroit house of correction or the state house of correction and reformatory at Ionia not less than six months, nor more than two years: *Provided*, That if any male person shall be convicted of being a disorderly person before any justice of the peace or circuit court in the Upper Peninsula, such person, if sentenced to imprisonment, shall be sent to the state house of correction and branch of the state prison in the Upper Peninsula, or the county jail, as the justice or court before whom the case is tried shall deem best. (Part of act No. 264, approved July 5, 1889.)

CHAPTER XXIV.

POLICE COURT.

An Act to establish the police court of the city of Detroit. (Approved June 9th, 1885.)

SECTION 1. *The People of the State of Michigan enact,* That on and after the fourth day of July, A. D. eighteen hundred and eighty six, there shall be in the city of Detroit a court which shall consist of two police justices, and which shall be known and designated as "The police court of the city of Detroit." Court established.

(§ 643.) SEC. 2. The first election for said police justices shall be held on the Tuesday next succeeding the first Monday in November in the year eighteen hundred and eighty-five, when there shall be elected by the qualified electors of the city of Detroit two police justices, whose term of office shall commence on the fourth day of July, in the year eighteen hundred and eighty-six, and shall continue as follows, namely: One term for a period of two years, and one term for a period of four years. At this election the electors shall, with the names of the persons for whom they intend to vote for police justice, designate upon their ballots the terms of office they intend such persons to hold, substantially in manner following, namely: Election of Justices. Term of

For police justice—Term of two years.....(Name of candidate.)
For police justice—Term of four years.... (Name of candidate.) Ballots.

The person for whom the greatest number of legal votes shall be cast for police justice for any one of said terms shall be deemed and declared elected police justice for such term. On the Tuesday after the first Monday in November, in the year eighteen hundred and

eighty-seven, and on the same day in every second year thereafter there shall be elected in the city of Detroit a police justice, who shall hold office for a term of four years, commencing on the fourth day of July, of the year next succeeding. In case of a vacancy in the office, of police justice, the common council of the city of Detroit shall, as soon as practicable, order a special election to fill such vacancy, in like manner as at the time is provided by law in case of a vacancy in the office of mayor of said city; but no such special election for police justice shall be held within the three months next preceding the time herein appointed for the regular election of a police justice, unless there be more than one vacancy, in which case the common council may, in its discretion, order such special election to be held within the said three months. The provisions of law relative to holding elections for city officers in said city, canvassing the votes and making returns thereof, and the disposition of and action upon such returns shall, as far as applicable, regulate and apply to all elections for said police justices. Whenever an election held under the provisions of this act shall, from any cause, occur on the same day with an election held under the charter of the city of Detroit for mayor, city clerk, city attorney, treasurer, and councilmen, or for any one or more of said city officers, the names of the persons voted for for police justice shall be placed on the same ticket or ballot with the names of those voted for for the city offices aforesaid.

Vacancy.

Clerk of Court.

(§ 644.) SEC. 3. There shall be a clerk of said police court, and also such assistant clerks as the common council of said city may at any time after the passage of this act by ordinance prescribe, but no amendment or repeal of such ordinance shall have the effect to remove any assistant clerk from office during the term for which he is appointed. The clerk and assistant clerks of the police court shall be appointed by the police justice whose term of office shall first expire, as soon as practicable after the fourth day of July, A. D. eighteen

Assistants.

hundred and eighty-six, and after the fourth day of July in every second year thereafter, and they shall hold office for a term of two years, commencing on the first day of August in the year in which they are appointed, and until their successors are appointed and qualified: *Provided, however*, That the persons appointed chief and assistant clerks in the year eighteen hundred and eighty-six shall hold such offices and shall execute the powers and perform the duties thereof during so much of the month of July of said year as may remain unexpired at the time of their appointment and qualification. In case of vacancy in the office of clerk or assistant clerk of the police court, the same shall be filled by appointment in like manner as above provided, and the person appointed to fill such vacancy shall hold office for the remainder of the unexpired term, and until his successor is appointed and qualified. Memoranda of such appointments shall be entered in the journal of the proceedings of the police court, and shall be signed by the police justice making such appointment, and certificates of such appointments, signed in like manner shall be by him transmitted to the city clerk of said city, who shall file and preserve the same in his office, and notify the common council of said city of such appointments.

Term of

Vacancies.

(§ 645.) SEC. 4. No person shall be eligible to the office of police justice or to the office of clerk or assistant clerk of said police court unless at the time of his election or appointment he shall be a citizen of the United States and of the state of Michigan, and a resident elector of the city of Detroit. Said police justices shall be attorneys-at-law, authorized to practice in the supreme court of this state. The police justices, the clerk and assistant clerks of the police court shall, before entering upon the duties of their respective offices, take and subscribe the oath of office prescribed by the constitution of this state before some officer authorized by the law to administer oaths, and shall deposit the same with the city clerk, who shall file

Qualifications of justice.

Oath of clerks.

and preserve the same in his office. The said clerk and assistant clerks, before entering upon the duties of their respective offices, shall each give his bond to the people of the state of Michigan in the penal sum of two thousand dollars, with two sufficient sureties, to be approved by the controller of said city, conditioned for the honest and faithful discharge of the duties of his office. Such bond shall be deposited with the controller, who shall file and preserve the same in his office, and inform the common council and the board of education of the city of Detroit of the filing of said bond, and of the names and residences of the sureties thereon. The common council, whenever they shall deem such bond, or any of the sureties thereon, insufficient, may, by resolution, order and require, within a reasonable time, to be fixed by such resolution, new or additional security, to be given in manner and form as near as may be, as is above provided in case of the original security to be filed by said clerks.

Bonds.

Removal of police justices from office.

(§ 646.) SEC. 5. The police justices may be removed from office in like manner and for like cause as is provided by law for the removal of justices of the peace. The clerk and assistant clerks may be removed from office by the police justices on proof of incompetence (incompetency), gross neglect of duty, or wilful misconduct in office.

Resignations.

Resignation of office by any police justice shall be made to the mayor of the city of Detroit, who shall immediately inform the common council of said city thereof. Resignation of office by any clerk or assistant clerk shall be made to the police justices, who shall cause to be made an appropriate record of the same. Vacancy in office of police justice, clerk and assistant clerk shall be deemed to exist when the incumbent shall have died, resigned, been removed from office, ceased to be a resident of the city of Detroit, or wholly failed, for any cause other than sickness, for a continuous period of three months, to perform the duties of his office. Vacancy in the office of clerk or assistant clerk shall also be deemed to exist if such clerk or

Vacancies.

assistant clerk shall not, within the time fixed by the common council, file new and additional security when required, as provided in section four of this act. The said police justices shall be ineligible to any other office during the term for which they are respectively elected. (As amended by act approved June 28, 1887.)

(§ 647.) SEC. 6. Each of the police justices shall receive an annual salary of three thousand dollars; the clerk shall receive an annual salary of eighteen hundred dollars; and the assistant clerks shall each receive such annual salary, not exceeding that of the clerk, as the common council may by ordinance prescribe; but the salary of an assistant clerk shall not be increased or diminished during the term for which he shall be appointed. The salaries provided by this section shall be paid in monthly installments. The police justices, the clerk and assistant clerks shall receive no other or further compensation for any services rendered, acts done or duties performed under this act than the salaries provided by this section. Salaries.

(§ 648.) SEC. 7. The members of the metropolitan police force of the city of Detroit shall have the power and it shall be their duty to serve all process issued and to execute all orders lawfully made by the police court or any of the police justices, and they shall perform all the duties of conveying prisoners from any jail or other place of detention or imprisonment to the police court or to any of the police justices for complaint, arraignment, examination, trial, sentence or other proceeding, and from the police court or the police justices to any jail, house of correction, reform school, prison, reformatory or any other place of detention, reformation, correction, punishment or imprisonment, under the direction, order, process, judgment or sentence of the police court or any of the police justices, and they shall be the ministerial officers of the police court and of said police justices. It shall also be the duty af the board of metropolitan police Service of process.

of the city of Detroit, upon the written request of the police justices to detail a roundsman and two patrolmen of the metropolitan police force of said city to attend the police court; but said board may in its discretion detail a sergeant in place of such roundsman and may detail such additional patrolmen to attend the police court as shall from time to time be deemed necessary and proper.

Common council to provide court room.

(§ 649.) SEC. 8. The common council of the city of Detroit shall have power and it shall be their duty to provide, maintain and suitably furnish a place for the transaction of the business of the police court, and of the police justices, and of said clerks, which place shall have such offices, rooms and apartments as may be deemed appropriate. The common council shall have power to provide such places by rental or by purchase, or in any other manner not inconsistent with the provisions of the charter of the city of Detroit, or with the laws relating to the powers of said city; but such place or any part thereof shall not be within or a part of any building or other structure used in whole or in part as a police station. The place so provided by the common council shall be known and designated as "the police court building," and all of the business of the police court, of the police justices, and of the clerk and assistant clerks, shall be transacted therein, except as shall be otherwise provided by this act. In case of the destruction of such building or other necessity, the common council may provide a temporary place elsewhere for the transaction of such business.

Expenses, how borne.

(§ 650.) SEC. 9. The payment of salaries provided by section six of this act, and the cost and expenses of providing, maintaining and furnishing a place for the police court, and of securing any site therefor, as authorized by section eight of this act, shall be borne by the city of Detroit, and shall be provided for by the common council of said city, in its discretion, as a part of the general fund as established

by the charter of the city of Detroit, and shall be paid from such fund in like manner, as near as may be, as annual city expenses are provided and paid. All other cost and expense necessary and proper to the due maintenance and operation of the police court, and to the orderly and efficient transaction of the business thereof, and of the police justices and of said clerks, and to the due and complete operation of the provisions of this act, including the service of all writs and process (excepting, however, the salaries of the sergeant, roundsman and patrolmen mentioned in section seven of this act), shall be borne by the county of Wayne, and shall be provided for and paid in like manner, as near as may be, as other county expenses are provided for and paid.

Jurisdiction of court in criminal matters.

(§ 651.) SEC. 10. The police court shall have original and exclusive jurisdiction to hear, try and determine all criminal cases wherein the crime, misdemeanor or offense charged shall have been committed within the corporate limits of the city of Detroit, or upon any lands, tenements or hereditaments owned or occupied by or under the authority of the city of Detroit, within the county of Wayne, and which crime, misdemeanor or offense would be, now or hereafter cognizable by a justice of the peace if the same had been committed in any other part of this state; to entertain, conduct and dispose of all preliminary examinations into crimes, misdemeanors and offenses which shall have been committed within the corporate limits of the city of Detroit, and which may now or hereafter be cognizable by the recorder's court of said city; to hear, try and determine, or otherwise lawfully entertain, conduct and dispose of all cases and proceedings arising within the corporate limits of the city of Detroit, under the laws of this state relative to disorderly persons, illegitimate children, fugitives from justice from other states and foreign countries, the preservation of the public peace and the prevention of crime: *Provided, however*, That this act shall not be in any wise construed to

interfere with or affect any of the powers of or the authority conferred by law upon the grand jury of the county of Wayne. The police court shall have concurrent jurisdiction with the recorder's court of the city of Detroit to hear, try and determine cases arising under the ordinances of the common council relative to common prostitutes, vagrants, mendicants, street beggars, drunken persons, disorderly persons, disturbances and breaches of the peace, indecent exposure of the person, indecent conduct, indecent exhibitions, and other disorderly conduct. And any person arrested for a breach of any of the ordinances aforesaid shall be discharged from custody upon entering into recognizance in a sum not exceeding the penalty provided for the violation of the same, and with sureties satisfactory to the officer taking said recognizance conditioned for the appearance of such person to answer to any complaint that may be preferred against him or her. Either of said police justices, the clerk of the police court, and the clerk of the recorder's court of the city of Detroit, shall have power to take said recognizances, and it shall be the duty of the officer having such person in custody to produce him before any of said officers for the purpose of giving bail when required so to do. All recognizances taken as hereby provided shall be filed as soon as practicable in the office of the clerk of the court before whom such person is brought for trial, and said court shall have full jurisdiction and authority to control and enforce the same.

Concurrent jurisdiction with Recorder's Court in certain ordinances.

Person arrested for violation of city ordinances to be discharged on furnishing bail.

Recognizances, where filed.

(½ 652.) SEC. 11. The police court shall have power to issue all lawful writs and process, and to do all lawful acts which may be necessary and proper to execute and carry into complete effect the powers and jurisdiction given by this act, and especially to issue all writs and process, and to do all acts which justices of the peace, within their respective jurisdictions, may issue and do by the laws of this state, and shall, as far as applicable, be governed by the provisions of law regulating criminal cases and proceedings before justices

To have powers of justices of peace.

of the peace, Any one of the police justices may open the police court, and hold, continue and adjourn a session thereof, and shall constitute a quorum for the transaction of any business of which the police court may lawfully take cognizance, and said police justices may severally hold, continue and adjourn sessions of the police court, simultaneously, for the transaction of any such business; but a continuance or adjournment by one police justice shall not of itself affect any session held by or business pending before any other police justice. The police justices shall severally have power and authority to act in any case, matter or proceeding pending in said court as circumstances and justice may require, or as may be necessary or proper, subject to the limitations of this act; but no police justice shall review or revise any order, judgment, sentence or act of any other police justice involving the personal discretion, judgment or opinion of such other police justice. The police justices may assign or apportion the business of the police court among themselves, for the convenient, orderly and prompt transaction thereof. The police justice whose term shall soonest expire, and who shall not have been elected to fill a vacancy, shall be known and designated as the senior police justice. He shall sign the daily journal of the proceedings of the police court. In case of the absence or inability to act of the senior police justice, the other justice present shall act as senior police justice. Except as provided by this act, the senior police justice shall possess no greater or other power or authority than any other police justice. The practice in the police court shall, subject to the provisions of this act, conform, in general, to the practice in similar proceedings in courts of record; but neither the police court, nor any police justice, shall have any power or authority to grant new trials or to vacate or arrest any judgment, or to stay any proceedings thereon. No person shall be allowed to appear or practice in the police court as an attorney and counselor unless he shall be authorized to appear and practice in that capacity in the circuit court for the county

Apportionment of business.

Senior police justice.

Practice.

Attorneys.

Trial to be public.

of Wayne. Trials and examinations in the police court shall be public, but whenever it shall appear that, upon the trial of any cause or upon examination, evidence of licentious, lascivious, degrading or peculiarly immoral acts or conduct will probably be given, the police justice presiding at such trial or examination may, in his discretion, require and cause every person except those necessarily in attendance thereon, to retire and absent himself or herself from the court room during such trial or examination, or any portion thereof; and no person under the age of sixteen years shall be permitted at any time to remain during the trial of any cause, or during any examination in the police court, or during any portion thereof, in the court room in which such trial or examination is pending, unless such person is accompanied by one of its parents or guardians, or is required by law or the process of the court to be present or in attendance thereon.

Exceptions.

Hours of business.

The police court and clerk's office shall be open daily (except Sundays and holidays) at reasonable hours, for the transaction of the general business thereof, but said court shall be deemed in law always open for the purpose of taking complaints, issuing warrants and admitting prisoners to bail, in cases, matters or proceedings arising under the laws of the state of which the police court may take cognizance; and in such cases, matters and proceedings, either police justice may take complaints and issue warrants thereon, at all hours, and upon all days, anywhere within the corporate limits of the city of Detroit. It shall be the duty of the several police justices to attend and open the police court, and hold sessions thereof, at such times as the common council of the city of Detroit shall by ordinance prescribe, and then and there examine into and determine all cases arising under any of the ordinances of said common council which shall be brought before the police court, and of which such court shall, by the terms of this act, have jurisdiction. And it shall be the duty of all officers having in custody or confinement any person charged with violating any of the ordinances of the common council mentioned in

section ten of this act, to promptly bring such prisoner before the police court for trial or other lawful action, unless such prisoner shall be held under or by virtue of the warrant, capias or other process of another court, magistrate or officer.

Contempt of court.

(§ 653.) SEC. 12. The police court shall have power to punish, as for a criminal contempt, any person who shall be guilty of any act, conduct or behavior for which such person would be punishable as for a criminal contempt in any court of record, if such act had been committed within its jurisdiction, and the procedure in the police court, in cases of contempt, shall be substantially the same as in courts of record, and like punishment may be inflicted therein, except that no fine shall exceed one hundred dollars.

May require security for costs from complainant

(§ 654.) SEC. 13. The police court shall have authority in all cases, in its discretion, either before or after the issuing of process, to require of the complainant security for costs to the satisfaction of the police justice ordering the same, or in his absence to the satisfaction of any other police justice, and the person becoming such security shall sign a memorandum in writing to that effect, which shall be filed with the clerk, and shall be kept as a part of the proceedings in the case. If the defendant or prisoner shall be discharged upon examination, or acquitted upon trial, or if the complainant, being a material witness, cannot be found, and the case shall for that reason be dismissed, judgment for costs shall be entered immediately against the complainant, or against the complainant and his surety when security for costs shall have been given; and such judgment shall have like force and effect, and execution for the collection thereof may issue as in case of any judgment rendered by a justice of the peace; *Provided*, That the police justice rendering such judgment shall find and cause to be entered in the record of the case that he found that payment of such costs by the complainant was just and equitable. In determining the amount of costs the court shall be governed by the

provisions of law relative to fees, costs and expenses in similar proceedings before justices of the peace, but in no case shall such judgment for costs, when rendered, be less than for three dollars. If execution shall have been issued upon such judgment for costs, and shall have been returned unsatisfied, proceedings as for contempt may be had against the complainant or his surety, or both, as in case of criminal contempt committed out of the presence of the court.

Who may let prisoners to bail.

(§ 655.) SEC. 14. The police court, or either police justice thereof, the recorder's court of the city of Detroit, the circuit court for the county of Wayne, and the supreme court of this state, and the justices thereof, and no other court, magistrate or officer whatever, except as provided in section ten, shall have power to let to bail any prisoner or person in custody, charged with a bailable crime, misdemeanor or offense of which the police court shall for any purpose have jurisdiction.

Attachments for witnesses.

(§ 656.) SEC. 15. If it shall appear to the police court, or to either police justice, by affidavit or other appropriate evidence upon oath, or by the testimony of any witness or witnesses given in the course of any trial or examination in the police court, that any person is a material witness in any case, matter or proceeding pending in said court, and will probably be a necessary witness therein, either before the police court or any other court, and that there is reason to believe that such person will not appear and testify in such case, matter or proceeding, unless security be given by such person to so appear and testify, the police court or police justice may by appropriate process attach such person and commit him or her to the custody of the superintendent of the metropolitan police force of the city of Detroit, to be by said superintendent held and detained according to law as a witness in such case, matter or proceeding until the further order of the police court, but not longer than thirty days from the date of the

warrant of commitment, unless such person shall give bail in such sum and with such surety or sureties as shall be approved by either police justice of said court, conditioned, at the option of the party giving the same, either to remain openly for the thirty days next succeeding the date of the warrant of commitment, within the corporate limits of the city of Detroit, or to appear and testify from time to time in such case, matter or proceeding therein without further notice. Bail of witnesses.

(§ 657.) SEC. 16. When any person shall be convicted in the police court of any crime, misdemeanor or offense which may, by the terms of any law or statute prescribing the punishment therefor, be punished by imprisonment in the county jail, either as an absolute or alternative penalty, the judgment or sentence of the police court shall in such case, if punishment by imprisonment if imposed thereby, provide that such convicted person shall be imprisoned in the Detroit house of correction instead, anything in said law and statute to the contrary notwithstanding. And persons so sentenced to the Detroit house of correction shall be received and kept by the superintendent thereof in like mannner as other prisoners lawfully committed thereto. Commitment to Detroit House of Correction.

(§ 658.) SEC. 17. When by any statute of this state a forfeiture is provided as a penalty for the violation thereof, and such violation is an offense falling within the jurisdiction of the police court to hear, try and determine, the offender shall, upon conviction in that court, be sentenced to pay a fine not exceeding the amount of such forfeiture, and in default of the payment of such fine to be imprisoned in the Detroit house of correction for a definite period, not exceeding ninety days, unless such fine be sooner paid: *Provided*, That the said police court is excepted in all cases from the operation of law requiring the filing of certificates of conviction with the county clerk. Offenders subject to imprisonment on non-payment of fines. Certificates of conviction need not be filed.

Service of process.

(§ 659.) SEC. 18. Any warrant, writ, or other process of the police court, whether issued by said court or a police justice, shall be in the name of the people of the State of Michigan, shall be addressed to the superintendent or any sergeant, roundsman, detective or patrolman of the metropolitan police force of the city of Detroit, shall be tested by the senior police justice, shall be returnable before the police court at the police court building, shall be signed by the police justice issuing the same or authorizing the issuing thereof, and may, without backing or endorsement by any other court, magistrate, or officer, be served or executed anywhere in the State of Michigan.

Adjournments.

(§ 660.) SEC. 19. Any case, matter, or proceeding pending in the police court may be adjourned, postponed or continued from time to time as in the discretion of the court shall seem proper, except such as may be heard, tried, and determined in the police court, which shall, if the accused is in custody for want of bail, be heard, tried, and determined, within ten days after the return of the warrant, unless it shall be made to appear by affidavit or other sufficient showing that justice requires an adjournment, postponement, or continuance of such case, matter, or proceeding beyond said ten days, in which event it may be adjourned, postponed, or continued beyond said ten days, but not more than thirty days in all from the date of the return of the warrant, and which shall, if the accused is not in custody for want of bail, be heard, tried, and determined within thirty days from the date of the return of the warrant. But if any of the periods of time herein limited shall expire during the trial of such case, matter, or proceeding, it shall, nevertheless, proceed to final determination, in the manner and with like effect, as though the period limited as aforesaid had not expired.

Police court may investigate cases where crime is suspected.

(§ 661.) SEC. 20. If either police justice shall have probable cause to suspect that an indictable crime, misdemeanor, or offense has been committed within the corporate limits of the city of Detroit, and

that any person within the lawful jurisdiction of the process of the police court may be able to give any material evidence respecting such crime, misdemeanor, or offense, he shall have power and authority in his discretion to require such person to appear before him as a witness and answer upon oath such questions as shall be put to him or her touching such crime, misdemeanor or offense, or his or her knowledge or information of the same, or of any material fact involved therein; and the proceedings to summon said witness and to compel him or her to testify shall, as far as practicable, be the same as proceedings to summon witnesses and compel their attendance and testimony in ordinary cases, matters, and proceedings in the police court, and if upon such inquiry the police justice shall be satisfied that such crime, misdemeanor, or offense has been committed, and that there is probable cause to suspect any particular person or persons to be guilty thereof, he may cause the apprehension of such person or persons by proper process, and upon the return of such process served or executed, the police justice shall proceed with the case, matter or proceeding in like manner as upon formal complaint by the injured party or other person. And in respect of communicating or divulging any statements made by such witness during the course of such examination the police justice shall be governed by the provisions of law relative to grand jurors.

Law of grand jury to govern.

(§ 662.) SEC. 21. The clerk of the police court shall keep a true record of the proceedings of said court and of the business of his office in journals, calendars or other proper books to be provided for such purpose, which books shall be of such forms as shall be approved by the senior police justice. He shall file and safely keep all books, bonds, recognizances and papers belonging to the police court or to his office. He shall receive all fines and costs imposed by said court, and shall within forty-eight hours after the receipt thereof, pay the same to the county treasurer of the county of Wayne, and take

Records.

Fines.

receipt therefor, except such fines and costs as shall be imposed and received in cases arising under the city ordinances above mentioned, which shall be paid in like manner and within the same period to the city treasurer of the city of Detroit, and by him credited to the police court fund. He shall have power and authority generally to administer oaths and take affidavits. He shall write depositions and perform such other clerical work as shall be required from time to time by the police court. The assistant clerks shall have the same powers and may perform the same duties as the clerk, but shall be under his direction and may be assigned by him to exercise such powers and perform such duties before or with either of said police justices. In the absence of the clerk the senior police justice may direct an assistant clerk to act as clerk for the time being. The books, records, files and papers of the police court and of the clerk's office shall be deemed public, and subject to reasonable rules and regulations to be fixed by the police justices, shall be, at reasonable times, open to public inspection.

Records to be public.

Jury judges of law and fact.

(§ 663.) SEC. 22. Juries in the police court shall be judges of the law and the facts. They shall be composed of six persons, who shall severally possess the lawful qualifications of jurors in the recorder's court of the city of Detroit, and any challenge which would be valid if made in the recorder's court shall be valid and sufficient if made in the police court: *Provided, however*, That but two peremptory challenges shall be allowed to the people and a like number to the accused in all trials in the police court. The board of jury commissioners, as created by act number one hundred and sixty, of the session laws of eighteen hundred and eighty-one, shall continually, or whenever required by the senior police justice, in accordance with the method provided by that act, select persons to serve as jurors for the trial of cases, matters and proceedings in the police court, and shall file a list of the persons so selected with the clerk of the police

Challenges.

Selection of juries.

court. The number to be selected on the third Monday in May of each year, as provided by said act, shall be three hundred. After the filing of such list the proceedings for selecting, summoning and compelling the attendance of jurors and talesmen shall be, as far as practicable, the same as is provided by law for like purposes in the recorder's court, except that the attendance of the sheriff shall not be required.

Jurors shall be drawn and summoned for a term of one month, which shall be the calendar month next succeeding such drawing. Not less than eighteen nor more than thirty-six jurors shall be drawn and summoned for a term, unless for a special reason the senior police justice shall, in writing, direct that a greater number be drawn and summoned. The persons so drawn shall be notified in writing of their liability to jury duty in the police court for the calendar month to be specified, which notice shall be served personally, if practicable, upon each person so drawn, by a member of the police, and a return in writing of the time and mannner or such service shall be made and filed with the clerk of the police court. The actual attendance of the persons duly notified for jury service may be required and enforced according to law. No juror shall be excused from attendance for the term except by the concurrence of the two police justices. Whenever by law the recorder or judge of the recorder's court, required or directed to be present at or participate in any part of the proceedings to select jurors for that court, the senior police justice, or acting senior police justice, shall perform like duty in like proceedings to select jurors for the police court. (As amended by act approved June 28, 1887.)

(§ 664.) SEC. 23. In all cases determined in said police court an appeal may be taken to the recorder's court of the city of Detroit, in the same time and manner and with same effect as prescribed by the general laws of the state for appeals from convictions by justices of

Appeals.

the peace within this state to the circuit court in criminal cases. (As amended by act approved June 3, 1891.

Common council may appoint justice of peace to act as assistant police justice.

(§ 665.) SEC. 24. The common council of the city of Detroit shall have power, at any time after the passage of this act, and subject to the limitations thereof, by resolution to designate a justice of the peace of said city to act as assistant police justice, and in case of death, resignation, absence or inability of the present police justice, the person so designated shall have and exercise all the powers and functions of the present police justice, and shall perform all the duties of such office, and in case of death, resignation, absence or inability of both of the police justices provided for by this act, simultaneously, the justice of the peace so designated as assistant police justice shall have and exercise all the powers and functions of a police justice (including those of the senior police justice), and shall perform all the duties of such office until a police justice is elected and qualified, or resumes the performance of the duties of his office.

Repeal of other acts after July 4, 1886.

(§ 666.) SEC. 25. The act of the legislature of the state of Michigan entit ed "An act to establish a police court in the city of Detroit," approved April 2, 1850, and all amendments thereof, and all other acts and parts of acts of said legislature relative to the police court of the city of Detroit, except so far as the same shall be preserved or continued in force by this act, shall on and after the fourth day of July, A. D. eighteen hundred and eighty-six, stand repealed, and the present police court of the city of Detroit shall on the fourth day of July, A. D. eighteen hundred and eighty-six, wholly cease to exist, and shall then and thereafter exercise no power, authority or jurisdiction whatever; and all cases, matters and proceedings pending and undetermined before the said police court or police justice shall, on said day, by virtue of this act, simply, be and shall stand transferred to the police court established by this act, and shall therein be heard, tried and determined, or otherwise lawfully disposed of, as though

originally commenced in the latter police court, and as near as may be, according to the law and practice thereof; and all records, books, files, bonds, recognizances and other papers belonging or appertaining to the present police court, or to the office of the clerk thereof, shall be by such clerk promptly delivered to the clerk of the police court established by this act, and shall be by the latter clerk kept and filed in his office, where they shall have the same force and effect and be used for the same purpose as though originally filed in said office; but this act shall not be construed to affect any cause, matter or proceeding heard, tried and determined, or otherwise lawfully disposed of in the present police court at any time prior to the said fourth day of July, A. D. eighteen hundred and eighty-six, except for the taking of a lawful appeal therein, which may be taken under the provisions of this act only. Transfer of files and papers.

Approved June 9, 1885.

(§ 667.) SEC. 26. Search warrants may be issued by the police court in all cases authorized by law, and with like conditions and limitations. Such process shall be directed as provided by section eighteen of this act, and shall command the officer executing the same to notify the person upon whose premises any of the property specified in such process may be found to appear at the police court at a time to be specified in such notice, to show cause why the property so found and seized should not be disposed of on such process in the manner provided by law. A memorandum containing the substance of such notice, and in a form approved by the senior police justice, shall be served by the officer upon the person whose premises any such property is seized. Such service shall be made at the time, as near as may be, that the property is seized, and by the officer executing the process, and may be served personally upon any person claiming rights in the property seized, or be left on the premises mentioned in the warrant of search with any person for the time being having the charge of said premises. At the time mentioned in Search warrants.

such notice, or at such other time to which the hearing may be adjourned, one of the police justices may proceed to hear and inquire into all matters relating to the issuing and execution of such search warrant, and shall hear evidence, if any be offered, by any person claiming such property against the right of seizure under such search warrant. If the said police justice shall not be satisfied, upon such hearing, that a disposition of the property so seized may be justly made under such process, he shall order that the property be returned to the person and to the place from whence it was taken; otherwise he shall dispose of the same according to law and the very right of the matter. All proceedings under this section shall be summary, and no warrant of search issued by the police court under this section shall justify any search or seizure on premises beyond the corporate limits of the city of Detroit. (As added by act approved June 28, 1887.)

STENOGRAPHER OF POLICE COURT.

An Act to provide for the appointment of a stenographer for the probate court of the county of Wayne, and for the police court of the city of Detroit, to prescribe his duties and fix his compensation.

(§ 668.) SECTION 1. *The People of the State of Michigan enact*, That the judge of probate for the county of Wayne shall have power to appoint a stenographer for the probate court of said county. Appointment.

(§ 669.) SEC. 2. The person so appointed shall be deemed an officer of the court, and shall be subject to suspension or removal for incompetency or misconduct, and in case of such suspension he shall thereafter cease to hold the office of stenographer, unless by order of the court his suspension shall be rescinded.

(§ 670.) SEC. 3. It shall be the duty of the stenographer to attend each session of the court when directed by the judge thereof, and take full stenographic notes of all testimony and proceedings in cases required by said judge of probate. Whenever the services of said stenographer are not required in said probate court, upon the demand of either of the justices of the police court of the city of Detroit, he shall attend such sessions of the police court as they may direct, and take full stenographic notes of the testimony and proceedings in such cases. Duty to attend police court upon demand of justices.

(§ 671.) SEC. 4. The stenographer shall receive as his compensation a salary of two thousand dollars per annum, which shall be paid in monthly installments out of the county treasury; and in case Compensation.

either party to a cause shall desire a transcript of his notes, he shall furnish such transcript to the party ordering it, and he shall be entitled to receive for the same six cents per folio: *Provided*, That in case the prosecuting attorney should desire a transcript of said notes, the same shall be paid by the auditor (auditors) of Wayne county at a rate of six cents per folio: *And provided, further*, That in case the judges of said courts shall desire a copy for their personal use, the same shall be furnished without compensation.

(§ 672.) SEC. 5. Before entering upon the duties of his office, the stenographer shall take and subscribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge.

This act is ordered to take immediate effect.

Approved June 7, 1889.

DISORDERLY PERSONS.

An Act to provide for the punishment of disorderly persons in the City of Detroit, and also to provide for the support of their wives and children. (Act approved June 2, 1881.)

Disorderly persons.

(§ 673.) SECTION 1. *The People of the State of Michigan enact*, That all persons, residents of the City of Detroit, who refuse or neglect to support their families, shall be deemed disorderly persons and guilty of a misdemeanor: *Provided*, That if upon the examination it shall appear to the satisfaction of the police justice that the defendant's neglect to support his said family was occasioned by sickness or other physical or mental disability, or for other good cause, the same shall constitute a good defense to said charge.

Who are.

When not liable.

Police justice to examine.

(§ 674.) SEC. 2. Upon complaint made on oath to the police justice of the City of Detroit, against any person charged with the foregoing offense, and committed within the limits of said city, he shall examine the complainant on oath and the witnesses produced by him or her, and shall reduce the complaint to writing, and cause the same to be subscribed by said complainant: And if it shall appear that such offense has been committed, he shall issue his warrant reciting the substance of the complaint, and requiring such person so charged to be brought before him to be dealt with according to law, of which notice in writing shall be given to the secretary of the board of poor commissioners, and in accordance with the provisions of "An act to establish a police court in the city of Detroit," approved

To issue warrants.

To notify poor commissioners.

April two, eighteen hundred and fifty, and the amendments thereto, except as is provided for in the following section:

Penalty.

(§ 675.) SEC. 3. On conviction for such offense, such person shall be imprisoned in the Detroit house of correction for the period of not more than ninety days.

Police justice to give certificate to poor commissioners.

(§ 676.) SEC. 4. The said police justice, on application therefor, shall give to the wife or children of such person so convicted, if he shall be satisfied that they are liable to become a burden on the public, a certificate, duly certified, of such conviction, and setting forth the cause thereof and the term of imprisonment, which, on being presented to the commissioners of the poor for the city of Detroit, shall be evidence of the facts therein stated, whereupon the following allowances, in money or in kind, shall be made by said commissioners out of the poor fund provided for the support of the dependent poor of said city, during the term of imprisonment of such person so convicted, to wit: If there be a wife and child or children, the sum of thirty cents per day; if there be a wife, but no children, the sum of twenty cents per day, and which said sums shall be paid at the end of each week by said commissioners to the above described persons.

Relief of dependents family.

(§ 678.) SEC. 5. This act shall apply only to the city of Detroit. All acts inconsistent herewith are hereby repealed.

Ordered to take immediate effect.

Approved June 2, 1881.

CHAPTER XXV.

JUSTICES' COURTS IN THE CITY OF DETROIT.

An act relative to justices' courts in the city of Detroit. (Act approved April 25, 1883.)

(§ 678.) SECTION 1. There shall be four justices of the peace in and for the city of Detroit, who shall be elected at the regular charter election of said city, or at any general election held therein, in the same manner and shall hold their office for the same term, possess the same jurisdiction, powers, duties and liabilities as justices of the peace for townships, and the files, records and dockets belonging or appertaining to those offices of justices of the peace abolished by the act of which this act is amendatory, shall belong to and be filed and safely kept in the clerk's office hereinafter mentioned; and that justice of the peace whose office shall soonest expire by its own limitation shall be and is hereby authorized and empowered to issue executions upon any judgment appearing upon any of said dockets in the same manner and with like effect as if such judgment had been rendered by him. The fourth justice of the peace herein provided for shall be elected at the general election to be held in the spring of eighteen hundred and eighty-five, and shall at once thereafter assume the duties of his office, the same as though he were elected to fill a vacancy, and his term of office shall expire on the fourth day of July,

Four justices to be elected.

Powers and duties.

Election and term of additional justices

eighteen hundred and eighty-eight, and thereafter his successor shall be elected for the term of four years, as provided by the general statute. (As amended March 17, 1885.)

Auditors to provide court room.

(§ 679.) SEC. 2. The auditors of the county of Wayne shall provide a suitable court room for the accommodation of each of said justices of the peace, and also an office for the clerks hereinafter mentioned, also one jury room, which office and rooms shall be contiguous to each other; and the said auditors shall also provide the necessary dockets, books (including a set of Michigan Reports), blanks, stationery, furniture, and fuel for the use of said justices and clerk. (As amended March 17, 1880.)

Salary.

(§650.) SEC. 3. Each of said justices of the peace shall be entitled to receive from the treasury of the county of Wayne an annual salary to be determined by the board of county auditors in June for the following year, not exceeding two thousand dollars, payable in monthly installments, on the certificate of the said auditors. And each of said justices shall have the court room open, and he shall be in attendance at the duties of his office therein, at least from nine o'clock in the morning until twelve o'clock noon, and from two o'clock until four o'clock in the afternoon: *Provided*, That where either one of said justices is actually engaged in a trial of a suit he shall thus attend at least until five o'clock in the afternoon when it shall be necessary to do so in order to finish the trial of such suit. And the said clerk's office shall be open continuously from nine o'clock in the forenoon until five o'clock in the afternoon of each day, except all legal holidays. (As amended by act approved June 27, 1889.)

Hours of office.

Clerk.

(§ 681.) SEC. 4. There shall be one clerk for said justices of the peace to be known as the "clerk for the justices' courts for Detroit," who shall be appointed by said auditors on the first Tuesday after the

first Monday in January of each year, to hold office for the term of one year, to commence February first, after such appointment: *Provided*, That the present clerk of "justices' courts of Detroit," shall hold his office until the first day of February, one thousand eight hundred and ninety-four, unless sooner removed. Such appointment shall be made on the written recommendation of a majority of said justices holding office, on or before January first of each year, which recommendation shall be filed with said auditors. If, for any reason, such recommendation be not so made and filed by said last named date, then the said auditors shall make such appointment on their own motion, and said clerk's term of office shall be one year, dating from February first of each year, and he shall receive an annual salary to be determined by the board of county auditors in January for the following year, not exceeding fifteen hundred dollars, payable in monthly installments from the treasury of said county, for the faithful discharge of the duties of his office; but the said auditors may at any time revoke the appointment of said clerk for cause, on the written recommendation of all of said justices of the peace. The said clerk shall have power to appoint one or more deputies when the necessity therefor shall be certified to by the said justices, and may revoke such appointment at pleasure, which appointment and revocation shall be operative from the time of filing the certificate thereof with the said auditors. Such deputies shall be authorized to administer oaths and perform generally the duties of said clerk, and they shall receive as compensation such salaries, payable monthly, from the treasurer of said county, as the said auditors may determine, not exceeding the sum of one thousand dollars per annum. The said clerk may require of each of said deputies a good and sufficient bond, with a surety or sureties in such amount and with such conditions as he may think proper. It shall be the duty of said clerk to keep a true and complete record of each of said justices' courts, with the assistance of the said respective

Appointment of clerk.

Salary of clerk.

Deputy clerks.

Powers of deputies.

Salaries of deputies.

Bonds of deputies.

Duty of clerks.

justices of the peace, and enter all judgments in the docket of the justices rendering the same, in the time and manner provided by law; and after such entry each judgment shall be signed by the justice by whom it is rendered. The said clerk shall also file and safely keep all books and papers belonging or appertaining to the said courts, and enter in a book provided for that purpose, a list of the names of all he jurors that sit on the trial of cases before the said justices, with the names arranged in alphabetical order, together with the date or dates on which each juror so sat, with a reference to the page of the docket where the proceedings of the trial are entered; he shall also make all writs returnable to the said justices in regular rotation, and if upon the return or return adjourned day of any cause, the justice issuing the process therein shall be absent at the time to which the same is adjourned or the process therein made returnable, the next justice in the regular order of issuing writs, if present, and if not, one of the other justices shall have the same jurisdiction to proceed therein as though it had originally been commenced before him; but the record thereof shall be entered in the docket of the justice issuing the original process. The said clerk shall receive all costs, fines and dues of every description, which are provided by law in all proceedings in said justices' courts, and shall pay the same weekly to the treasurer of said county, and shall take his receipt therefor. He shall have power generally to administer oaths and take affidavits, and before entering upon the duties of his office, he shall make and file in the office of the clerk of said county, a bond in the penal sum of three thousand dollars, with two or more sufficient sureties to be approved by the said county auditors conditioned that the said clerk shall weekly well and truly pay to the said county treasurer all moneys received by him as said clerk, for the use of said county, and otherwise fully and faithfully discharge all the duties of his said office. (As amended by act approved March 6, 1893.)

Bond of clerk.

(§ 682.) SEC. 5. Before any civil action or proceeding, except proceeding in garnishment, shall be commenced in any of said courts, there shall be paid to the said clerk, by the party bringing the same, the sum of fifty cents, and before the trial of any such action or proceeding shall be commenced, the further sum of fifty cents; but in case of non-suit, no judgment fee shall be required, and proceedings in garnishment shall be treated as part of the principal case, and no additional fee shall be charged therefor, up to and including the entry of judgment therein. If any person shall satisfy one of said justices, by affidavit, that he has a good, meritorious cause of action for personal services against another, within the jurisdiction of said courts, and that he has made a personal demand of payment therefor of the debtor, and that such payment has been refused, and shall therein also state the name and residence of the debtor, and the amount due, over and above all legal set-offs, the justice to whom such affidavit is presented, may, in his discretion, indorse on such affidavit directions to the said clerk to cause to be issued the proper writ in the case before one of the other of said justices, without charge for court fees for the commencement or trial of such cause. If the plaintiff in such case recover judgment, he shall be entitled to tax, as part of his costs, an attorney fee of five dollars; and the usual court fees shall also be taxed against the defendant, but in favor of said county. If the defendant obtain judgment in such cause, the said court fees shall, in like manner, and for like purpose, be taxed against the plaintiff. Nothing herein contained shall be so construed as to prevent the circuit court for the county of Wayne, on an appeal for any such cause, to require the plaintiff therein to give security for costs, as in other cases. If any party demand a jury in any action in said court, he shall advance the fees therefor, and the same shall be disposed of by the said clerk as is now provided by the general statute of the state governing justices' courts. Before any affidavit, or writ,

Justice may order costs waived.

Taxed costs.

or *certiorari* shall be served on any one of said justices of the peace, in addition to the fees allowed by law for making returns to an appeal or *certiorari*, the entry fee, on filing the same in the circuit court, shall be paid to said clerk by the appellant, or plaintiff in error, and the said clerk shall, as early as practicable, file the return to such appeal, or writ of *certiorari*, in the office of the clerk of the circuit court for the county of Wayne, and pay over the entry fee so advanced to him as aforesaid. The money so paid to said clerk of justices' court shall be for the use of said county, and shall be held to be in full of all fees in civil action, from the commencement thereof to and including the issuing of execution therein. The sum or sums so paid, including the jury fees, shall be taxed as cost of suit in favor of the party paying the same, if he be the prevailing party in the suit, in addition to any other costs to which he may be entitled by law. In criminal cases the same costs shall be paid, and in the same manner as in such proceedings before justices of the peace in townships, except that the same shall be paid to the said clerk, as in civil cases is provided. (As amended March 17, 1885.)

Exclusive jurisdiction, when.

(§ 683.) SEC. 6. The said justices of the peace of the city of Detroit shall, as against all other justices of the peace, have exclusive jurisdiction of all actions and proceedings within their jurisdiction, where both of the parties thereto shall, at the time of the commencement of such action or proceeding, be residents of said city. They shall also have a like exclusive jurisdiction where the original cause of action existed in favor of a resident of said city, but has been by him assigned. (As amended March 17, 1885.)

Fees.

(§ 684.) SEC. 7. This act shall in no way affect the fees to which justices of the peace may be entitled on the performance of marriage ceremonies, taking acknowledgments and administering oaths in matters not connected with any litigation in said justices' courts, nor shall

it affect the fees to which constables are entitled, or the present method of paying them. (As amended March 17, 1885.)

(§ 685.) SEC. 8. The service of a summons under this act, may be made in the manner prescribed in section fourteen of act number one hundred and ninety-one, of the public acts of eighteen hundred and seventy-nine, being section six thousand eight hundred and twenty-seven of Howell's Annotated Statutes. (As added by session laws of 1885, approved March 17, 1885.) Service of summons.

ACT RELATING TO THE JURISDICTION OF JUSTICES OF THE PEACE IN WAYNE COUNTY.

An Act to amend section five of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred and seventy-one, entitled, "An act to amend chapter ninety-three of the revised statutes of eighteen hundred and forty-six, entitled, 'Of courts held by justices of the peace,'" the same being section six thousand eight hundred and eighteen, of Howell's Annotated Statutes.

(§ 686.) SECTION 1. *The people of the State of Michigan enact*, That section five of chapter one hundred and seventy-eight of the compiled laws of eighteen hundred and seventy-one, entitled, "An act to amend chapter ninety-three of the revised statutes of eighteen hundred and forty-six, entitled, 'Of courts held by justices of the peace,'" the same being six thousand eight hundred and eighteen of Howell's Annotated Statutes, be and the same is hereby amended so as to read as follows:

(§ 687.) SEC. 5. Every action commenced in such court shall be brought before some justice of the peace of the city or township where:

First—The plaintiffs or any of them reside; or,

Second—Where the defendants or any of them reside; or,

Third—Before some justice of another township or city, in the same county, next adjoining the residence of the plaintiff or defendants: *Provided, however*, That no justice of the peace of any of the townships in the county of Wayne shall have jurisdiction over any

cause or proceeding, where both parties to the same or one or more of the plaintiffs and one or more of the defendants reside in the city of Detroit at the time of the commencement of the proceeding or cause, nor in case where the original action existed in favor of a plaintiff and against a defendant, both residents of said city, and has been assigned to a non-resident of said city; or,

Fourth—Before some justice of a city in the same county, formed from a township, or townships, next adjoining the residence of the plaintiff, or defendant, or one of the plaintiffs or defendants: *Provided*, That nothing herein contained shall change or limit the jurisdiction of a justice of the peace where the same has been prescribed by the charter of an incorporated city.

Approved May 27th, 1885.

CHAPTER XXVI.

REGISTRATION OF BIRTHS AND DEATHS.

An Act to provide for the registration of births, marriages and deaths. (Act No. 194, Laws of 1867.) (Section 1, Chapter xxiii., Howell's Annotated Statutes 1882.)

(§ 688.) SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the supervisor of each township, and the supervisor or assessor of any city or ward therein in this state, between the tenth day of April and the first day of June, in the year eighteen hundred and sixty-nine, to ascertain by actual inquiry, or otherwise, of the inhabitants thereof, the births and deaths which have occurred in their respective townships, cities or wards, from and including April fifth, eighteen hundred and sixty-eight, too and including December thirty-first, eighteen hundred and sixty-eight, together with the facts relative thereto, as are hereinafter provided for, and shall make an accurate return thereof to the clerk of the county in which said township or city is situated, on or before the first day of June; and for such service shall receive ten cents for each birth and death so returned by them, to be paid by the county in which such returns are made. In the year eighteen hundred and seventy, and in each and every year thereafter, it shall be the duty of the officers above mentioned, between the tenth day of April and the first day of June, to ascertain by actual inquiry, or otherwise, of the inhabitants thereof, the births and deaths which have occurred in their respective townships, cities or wards during the year ending on the last day of the

Supervisors and assessors to appoint persons to make registration.

Returns to be made to county clerk.

Time of taking. Returns to be for year last preceding.

Statistics; how obtained.

Compensation.

Proviso relative to the city of Detroit.

Common council to appoint persons to act in the city of Detroit.

Compensation of persons so appointed.

How paid.

preceding December, and shall make the return and receive therefor the compensation above provided for: *Provided*, That in the city of Detroit the duties required by this act to be performed by supervisors and assessors shall be performed by persons appointed by the common council for that purpose; and it shall be the duty of the common council, on or before the tenth day of April in each year, to appoint such number of persons in each ward of said city as shall be necessary to perform said duties within the time limited by this act; and such persons shall possess all the authority conferred upon, and perform all the duties required of supervisors and assessors by this act, within the territory assigned them, respectively, by the common council, and shall receive such compensation for their services, not exceeding the sum allowed by this act to supervisors and assessors, as shall be fixed by the common council, to be paid by the county of Wayne, and shall be liable to the same penalties for refusal or neglect to perform any of said duties. (As amended by act 125, Laws of 1869, p. 214.)

CHAPTER XXVII.

PURCHASING FRANCHISES OF PLANK ROAD COMPANIES.

An Act relative to the Detroit & Howell Plank Road Company.

(§ 689.) SECTION 1. *The People of the State of Michigan enact*, That the city of Detroit is authorized to purchase for the free use of the public, at a valuation to be agreed upon, all the rights of the Detroit & Howell Plank Road Company in any street of said city of Detroit. D. & H. Plank Road.

(§ 690.) SEC. 2. In case no satisfactory agreement can be made with the directors of said company for said purchase, then the said city of Detroit, by its proper officers, is authorized to condemn for public use all the rights of said plank road company in any street in said city, in the same way in which the lands or property of individuals is condemned for the use of streets under the laws applicable thereto. City may condemn right-of-way.

This act is ordered to take immediate effect.

Approved May 19, 1881.

DETROIT & SALINE PLANK ROAD COMPANY—POWER TO PURCHASE OR CONDEMN.

An Act to authorize the city of Detroit to purchase or condemn for the use of the public all the rights of the Detroit & Saline plank road company in any street in said city.

D. & S. Plank Road.

(§ 691.) SECTION 1. *The People of the State of Michigan enact*, That the city of Detroit is authorized to purchase for the free use of the public, at a valuation to be agreed upon, all the rights of the Detroit & Saline plank road company, in any street of said city of Detroit.

City may condemn right-of-way.

(§ 692.) SEC. 2. In case no satisfactory agreement can be made with the directors of said company for said purchase, then the said city of Detroit, by its proper officers, is authorized and empowered to condemn for public use all the rights of said plank road company in any street in said city, in the same way in which the land or property of individuals is condemned for the use of streets under the laws applicable thereto.

This act is ordered to take immediate effect.

Approved May 31, 1881.

DETROIT & SALINE PLANK ROAD COMPANY.

An Act to repeal an act entitled, "An act to incorporate the Detroit & Saline Plank Road Company," approved March twenty-third, eighteen hundred and forty-eight, and to provide for winding up the affairs of said company.

(§ 693.) SECTION 1. *The people of the State of Michigan enact*, That an act entitled, "An act to incorporate the Detroit & Saline Plank Road Company," approved March twenty-third, eighteen hundred and forty-eight, and all acts amendatory thereof, be and the same are hereby repealed. Repealed.

(§ 694.) SEC. 2. Proceedings to wind up the affairs of said corporation may be instituted in the circuit court for the county of Wayne in the same manner and with the same force and effect as in cases where judgment of forfeiture has been rendered or the corporation has expired by limitation of time.

This act is ordered to take immediate effect.

Approved June 2nd, 1893.

CHAPTER XXVIII.

MANUFACTURE AND SALE OF ILLUMINATING GAS.

An Act to authorize the common council of the city of Detroit to manufacture and sell illuminating gas. (Act No. 339, Laws of 1875, approved April 22d, 1875.)

(§ 695.) SECTION 1. *The People of the State of Michigan enact,* That there shall be appointed by the common council of the city of Detroit, on the nomination of the mayor, four freeholders and electors of the city of Detroit, who shall constitute a board to be known and designated as "The board of gas commissioners of the city of Detroit." Such persons shall hold their offices for the term of one, two, three and four years, respectively, from the time of their appointment, which term shall be determined by lot, in the manner prescribed by ordinance for drawing lots. Each succeeding member so appointed by the council shall be nominated in like manner on the second Tuesday before the expiration of the term of office of any member whose term will next expire, and for the term of four years; all vacancies in said board, whether by expiration of term of service or otherwise, shall be filled by the nomination of the mayor, and be confirmed by the common council.

Authority to appoint gas commissioners.

Term of office.

Vacancies.

(§ 696.) SEC. 2. That the persons constituting said board when appointed, and their successors in office, shall be known by the name and style of "The board of gas commissioners of the city of Detroit," and by that name shall have power to contract, sue and be sued, to purchase, hold and convey real and personal estate, to have a

Title and powers of commissioners.

common seal, to alter and change the same at pleasure, to make by-laws and ordinances, and do all legal acts which may be necessary and proper to carry into effect the intent and object of this act.

President, and vacancy in office of.

(§ 697.) SEC. 3. The said commissioners shall choose one of their own number as president, who shall hold his office during the term for which he was appointed, and in case of a vacancy occurring in his office, by his removal from the city, or from office, resignation, death or otherwise, the board shall appoint his successor as such president, during the term of such person so appointed. They shall also appoint some suitable and proper person as secretary, who shall hold his office at the pleasure of said board, and employ superintendents, surveyors, engineers, collectors, clerks and others as shall be necessary to enable them to perform the duties of this act; but in no case shall said commissioners receive, directly or indirectly, any compensation for their own services.

Secretary to be appointed.

Also, other officers.

Commissioners to serve gratuitously.

Commissioners may be removed.

(§ 698.) SEC. 4. Any member of said board of commissioners may at any time be removed by a vote of two-thirds of the members elect of the common council of said city, for sufficient cause, and the proceedings in that behalf shall be entered on their journal: *Provided*, That the said common council shall previously cause a copy of the charges preferred against the commissioner sought to be removed, and notice of the time and place of hearing the same, to be served on him ten days at least previous to the time assigned.

Not to be interested in contracts.

(§ 699.) SEC. 5. No one or more of the said commissioners shall be interested, directly or indirectly, in any contract entered into by them, with any other person; nor shall they be interested, either directly or indirectly, in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act.

Consider all matters relative to manufacture of gas.

(§ 700.) SEC. 7. It shall be the duty of said commissioners to examine and consider all matters relative to manufacturing and sup-

plying the city of Detroit, for the use of its inhabitants, with a sufficient quantity of illuminating gas, and as soon as the necessary funds shall have been procured as hereinafter provided, to purchase land and materials for, and to construct such works, buildings, machinery, pipes, and fixtures, as shall be deemed necessary for the manufacturing of a full supply of gas for public and private use in said city.

Power to construct works, lay pipes, make rules and regulations.

(§ 701.) SEC. 7. Said commissioners shall have power to construct reservoirs, and lay pipes in and through all streets, public places, and alleys of said city, and to fix the price of gas per thousand feet, or in such other quantity or quantities as they may deem necessary, and to make and enforce all necessary by-laws, rules and regulations for the use of, and for the collection and payment of said gas, and for the preservation and use of the property of every kind belonging to said city: *Provided*, That the common council may revoke, alter, change, and abolish any of said rules and regulations, and by resolution or ordinance make others, if necessary, in their place and stead, which shall be binding and be obeyed by said commissioners and all persons whether receiving gas from said city or not. And any such by-laws, regulations, rules, and ordinances, shall be evidence in any court of justice: *Provided*, That such by-laws and regulations made by said commissioners shall be entered at length of record, in a book kept for that purpose, and signed by the president and secretary.

Rights of common council

Surveys and purchase of grounds.

(§ 702.) SEC. 8. The said commissioners, and, under their direction, their agents, servants, and workmen, are hereby authorized to enter upon any land or water for the purpose of making surveys, and to agree with the owner of, and to purchase any property which may be required for the purpose of this act, as to the amount of compensation to be paid to said owner, and to pay the same.

Proceedings in case of disagreement.

(§ 703.) SEC. 9. In case of disagreement between the commissioners and the owner of any property which may be required for the

use of said board, or affected by any operation connected therewith, the same proceedings may be taken to acquire the same, either in fee or for the use thereof, then the necessity for taking or using such lands for such purposes, and the damages to be paid thereof, shall be ascertained, and for that purpose the same proceedings had as is provided for in sections eighteen, nineteen and twenty, being amendments approved April 12, 1873, to the act entitled, "An act to amend the laws relative to supplying the city of Detroit with pure and wholesome water," approved April 14, 1853.

May purchase works of any existing company.

(§ 704.) SEC. 10. Said board shall have full power and authority to purchase of any incorporated company, having the right to erect gas works, and supply gas in the city of Detroit, its works, property and rights, and take a conveyance thereof to said board: *Provided*, The consent of the common council shall be first obtained therefor, thereupon the property so purchased shall be held by said board and be subject to all the provisions of this act, and of the rights of the company from whom they were so purchased.

Proviso.

Contracts, agreements or estimates to be presented to common council

(§ 705.) SEC. 11. Before any contract or agreement shall be made by said board, requiring the expenditure or payment of money, and before any obligation whatever shall be incurred, said board shall make and prepare an estimate to the common council, annually, of the amount immediately needed to purchase land, erect buildings, machinery and works for the purposes aforesaid, and a separate estimate of the amount needed to lay the mains and pipes to said works, to purchase gas works already erected, and for other purposes during the next fiscal year; which estimates, if approved, or so much and such part thereof as shall be approved by the council, shall be submitted to the board of estimates, and the same shall be subject to the action of said board of estimates, the same as other estimates are

Board of estimates to approve and decide whether amounts shall be raised by taxation or by bonds.

disposed of; and if allowed, in whole or part, then such board of estimates shall determine whether the amount shall be raised by taxation or by the issuing of bonds, or by both, and the board of estimates shall determine when said bonds shall be payable, but no bonds shall be issued for the payment of any interest thereon exceeding seven per cent., nor shall the same be sold for less than par.

Commissioners may then issue bonds.

(§ 706.) SEC. 12. The said commissioners shall have power to loan, from time to time, upon the best terms they can make, after giving public notice, by advertising in the city papers for thirty days, a sum of money not exceeding the amount determined by the board of estimates, upon the credit of the city of Detroit, and shall have authority to issue bonds, pledging the faith and credit of said city for the payment of the principal and interest of said bonds, which bonds shall issue under the seal of said board of commissioners, and shall be signed by the president thereof, the mayor and controller of the city of Detroit, and bearing interest not exceeding seven per cent. per annum. And it shall be the duty of said commissioners and controller to cause to be kept an accurate register of all bonds issued by them, showing the number, date and amount of each bond, and to whom the same was issued.

Interest seven per cent.

Must be registered.

Amounts raised to be deposited with city treasurer.

(§ 707.) SEC. 13. All moneys collected by taxation, and all moneys received from sale of bonds, shall be paid to the treasurer of the city of Detroit, who shall hold the same subject to the order of said board, to be drawn as required for use, and in such manner as the common council shall determine.

Debts limited.

(§ 708.) SEC. 14. No debt shall be created by said board for any purpose, at any time, exceeding the amount allowed by the board of estimates, and for the payment of which bonds have been sold, or assessments made and levied to pay the same.

To be submitted to people at a regular or special election.

(§ 709.) SEC. 15. The question of issuing bonds or raising money by taxation, as provided in this act, shall be first submitted to a vote of the qualified electors at some general or special election, when ordered by the common council of said city, and a majority vote shall determine the question.

(§ 710.) SEC. 16. This act shall take immediate effect.

CHAPTER XXIX.

BOARD OF BUILDING INSPECTORS.

An act to establish a board of building inspectors in and for the city of Detroit, and to define its powers and duties. (Act approved June 17, 1885.)

(§ 711.) SECTION 1. *The people of the State of Michigan enact*, That there shall be a board of building inspectors in and for the city of Detroit, which shall consist of three competent mechanics or architects, resident electors of the city of Detroit, whose term of office shall be three years, who shall devote their entire time to the duties of their office, and who shall not be engaged or interested directly or indirectly in the building business, and who shall be appointed by the board of councilmen upon the nomination of the mayor. The first board under this act shall consist of Henry Spitzley, whose term of office shall expire on the first day of July, eighteen hundred and eighty-six; Edward W. Simpson, whose term of office shall expire on the first day of July, eighteen hundred and eighty-seven; and Patrick H. McWilliams, whose term of office shall expire on the first day of July, eighteen hundred and eighty-eight, or until their successors are appointed and qualified, and at the expiration of their terms respectively their successors shall be appointed for the full term of three years. Either of said inspectors may be removed for cause by a two-thirds vote of the board of councilmen.

Board, how composed.

Members.

How appointed.

Removal of.

Officers of.

(§ 712.) SEC. 2. The board of building inspectors shall annually appoint from their own number a president and a secretary. Two members of said board shall constitute a quorum for the transaction of business, and shall have power to adopt such rules and regulations for its own use as it may deem necessary to effect the object of its organization. An office shall be provided for said board by the common council of said city, in which proper books shall be kept and shall be open to the public, showing a complete and detailed record of all its proceedings,

Rules.

Common Council to provide office.

Buildings to be inspected annually.

(§ 713.) SEC. 3. It shall be the duty of the said building inspectors to make, at least once in each year, a thorough examination and inspection of all halls, opera houses, theatres, and buildings for amusement and recreation, school houses, churches, manufactories, work shops, stores, blocks for offices, hotels, boarding houses, tenement buildings, stands, platforms, freight or passenger elevators, and buildings or structures of every kind in the city of Detroit, used or intended to be used or occupied by public gatherings of people, with reference to the safety of such building and structure for the purpose for which designed, and for the speedy and safe egress of the persons therein and thereon assembled, in case of sudden alarm or danger. In addition to such regular inspection of said buildings and structures, it shall also be the duty of said inspectors to promptly inspect any building or structure of whatever character when a complaint is made or it comes to their knowledge that said building or structure is unsafe.

Inspection to be made upon complaint.

Balconies.

(§ 714.) SEC. 4. All buildings mentioned in the preceeding section, more than two stories high, shall be provided with a sufficient number of strong iron balconies at each story, level with the floors, with openings from the buildings thereto, and with strong iron ladders or stairs firmly attached to the side of such building, close to,

and easily accessible, from each balcony, or with other suitable fire escape, to be approved by said inspectors. In any store or building in the city of Detroit in which there shall exist or be placed any hoistway, elevator or well-hole, the openings thereof through and upon each floor of said building shall be provided with and protected by a substantial railing, and also with good and sufficient trap doors, opening and closing automatically as the elevator passes from floor to floor; *Provided, however*, That such hoistway, elevator, or well-hole may be enclosed in brick or by substantia. woodwork, furred, lathed and plastered, or sheathed with corrugated iron. All exit doors and all doors leading from assembly rooms to halls and passage-ways to the exterior of public halls, theatres, churches, and buildings used for public assemblages of any kind, shall swing outward, and it shall be unlawful for any person to place chairs, benches, or seats in the aisles or passageways in such buildings while occupied or in use for any public assemblage or entertainment.

Fire escapes.

Elevators to be provided with guards or enclosed.

Exit doors to swing outward.

Seats in aisles prohibited.

(§ 715.) SEC. 5. Whenever the said inspectors shall approve of any building or structure above mentioned, they shall so certify in writing, and deliver such certificate to the owner or person in charge of such building or structure. Such certificate shall state for what period of time and purpose and to what extent such building or structure is approved.

Certificate of approval.

(§ 716.) SEC. 6. No owner, occupant, lessee, manager, officer or person, having the control of any building or structure mentioned in section three of this act shall use or permit or suffer the same to be used or occupied for any of the purposes in said section designated without having first obtained the certificate mentioned in the preceding section, or shall use, or permit such use thereof, after the expiration of the time for which such certificate was given, or shall make any alterations, additions or changes in the interior of such

Buildings not to be used without certificate therefor.

buildings or structures after the granting of such certificate without the written consent of said inspectors.

Dangerous buildings to be torn down.

(§ 717.) SEC. 7. Any building or buildings, part or parts of a building, staging, or other structure in the city of Detroit, that, from any cause, may now be, or shall at any time become hereafter dangerous or unsafe, shall be taken down and removed, or made safe and secure in the manner following: Immediately upon such unsafe or dangerous building or buildings, or part or parts of a building, staging or structure, being so reported by any of the inspectors, the same shall be immediately entered upon a docket of unsafe buildings, to be kept by said inspectors, and the owner or some one of the owners, executors, administrators, agents, lessees, or any other person or persons who may have a vested or contingent interest in the same, shall

Notice to owner.

be served in the order named with a printed or written notice containing a description of the premises or structure deemed unsafe or dangerous, requiring the same to be made safe and secure, or removed, as the same may be deemed necessary by the said inspectors, which said notice shall require the person or persons thus served to immediately certify to the inspector his or their assent or refusal to secure or remove the same. If the person or persons so served with notice shall immediately certify his or their assent to the securing or removal of said unsafe or dangerous building, premises, or structure, he or they shall be allowed until twelve o'clock noon of the day following

When Board to remove.

the service of said notice, in which to commence the securing or removal of the same; and he or they shall employ sufficient labor and assistance to secure or remove the same as expeditiously as the same can be done; but upon his or their refusal or neglect to comply with any of the requirements of said notice so served, then a further notice shall be served upon the person or persons heretofore named, and in

Survey of premises.

the manner heretofore prescribed, notifying him or them that a survey of the premises named in the said notice will be made at the time and

place therein named, which time may not be less than twenty-four hours or more than three days from the time of the service of said notice, by three competent persons, to consist of the president of the board of inspectors, the president of the board of public works, and a third person who shall be appointed by the person or persons thus notified, upon whose neglect or refusal to appoint such surveyor, however, the said other two surveyors may make such survey, and in case of a disagreement shall appoint a third person to take part in such survey, who shall be either a practical builder or architect, whose decision shall be final. In case such building shall be found to be unsafe, the city attorney shall then apply to the superior court for an order directing that such building shall be taken down or made safe, and the clerk of said court shall issue a citation to the owners, agents, or persons thus served, to appear and show cause why such order should not be granted by said court.

City Attorney to appiy to Superior Court for order.

(§ 718.) SEC. 8. To enable said inspectors to fully discharge their duties they are authorized to enter into and upon any building or structure of the nature herein mentioned, and no person shall hinder, impede or obstruct the said inspectors in the performance of any duty hereby imposed.

Board may enter upon premises.

(§ 719.) SEC. 9. Whenever any person or corporation shall commence the erection of any building, or additions to any building already erected, to be used for any of the purposes mentioned in section three hereof, the said building inspectors may examine such building or additions, from time to time as they may deem fit, and in case any such building is being erected contrary to the provisions of any city ordinance regulating buildings, or in such manuer or of such material as to render the said building defective and insufficient in strength or safety, the said inspectors may notify the owners and builders thereof, and may refuse to said owners their certificate as provided for in section five until such defects shall have been prop-

Board to inspect during erection of buildings.

Defective material.

erly made good or remedied. If said owner or owners are dissatisfied with the decision of the said inspectors, said owner or owners may appeal to the board provided for in section seven, who shall hear and decide the controversy, and whose decision shall be final.

Appeal from board.

Board to report.

(§720.) SEC. 10. The said board of building inspectors shall report in detail to the board of aldermen at the end of each month the work performed by them and all information with reference thereto, and shall submit to the said board in December of each year a summary of their work of the preceding year.

Salary of board.

(§ 721.) SEC. 11. The members of said board of building inspectors shall be paid such salary for their services under this act as the common council of the city of Detroit shall determine, but not to exceed twelve hundred dollars per annum, such salary to be paid out of a fund to be constituted and raised for that purpose. All the services of said board of building inspectors as herein designated shall be without costs, fees, or charge to the owner or persons controlling the building or structure inspected by them.

No fees to be charged.

Violations, how punished

(§ 722.) SEC. 12. Any and all persons who, after having been personally served with the notice of violation as hereinbefore prescribed, shall fail to comply therewith, and shall continue to violate any of the several provisions os this act, or who shall be accessory thereto, shall be deemed guilty of a misdemeanor, and upon conviction of such offense shall be fined in a sum not exceeding one hundred dollars, or may be imprisoned for a term not to exceed ninety days. For each and every month in which any of the provisions of this act continue to be violated, the person or persons so violating may be complained of as for a distinct offense, and punished as herein provided.

Continuance of violation a new offense.

Repeal of conflicting acts.

(§ 723.) SEC. 13. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Ordered to take immediate effect.

Approved June 17, 1885.

EMPLOYMENT OF CHILDREN, YOUNG PERSONS AND WOMEN.

An Act to amend section seven of act number thirty-nine of the public acts of one thousand eight hundred and eighty-five, entitled "An act to regulate the employment of children, young persons, and women in certain cases," approved April ten, one thousand eight hundred and eighty-five.

(§ 724.) SECTION 1. *The People of the State of Michigan enact*, That section seven of act number thirty-nine of the public acts of one thousand eight hundred and eighty-five, entitled "An act to regulate the employment of children, young persons and women in certain cases," approved April ten, one thousand eight hundred and eighty-five, be and the same is hereby amended to read as follows: Section amended.

(§ 725.) SEC. 7. In all cases it shall be the duty of the superintendent or chief officer of police, by suitable inspections, to see that the regulations of this act are observed, and also to prosecute all persons who shall violate the same. Such superintendent, or chief officer of police, shall detail such portion of the force under him as he shall deem necessary for the inspection, from time to time, of all the aforesaid places where such children or young persons may be employed: *Provided*, That, in the city of Detroit, the board of building inspectors of said city, or any member thereof, shall have concurrent jurisdiction with the superintendent or chief officer of police, with like power and authority to personally see that the regulations of this act are observed, and also to enter complaint against all persons who shall violate the same. In towns, the supervisor thereof shall perform the duties above imposed on the superintendent, or chief officer of police in cities. Duty of superintendent or chief of police to enforce act. Proviso for City of Detroit. Supervisor to enforce same in towns.

This act is ordered to take immediate effect.

Approved March 19, 1889.

CHAPTER XXX.

OPENING, WIDENING AND STRAIGHTENING OF STREETS AND ALLEYS.

An act to provide for the taking of public property for the public use, and for the opening, extending, widening and straightening of streets and alleys in the city of Detroit, and to repeal act number two hundred and eighty-one of the session laws of eighteen hundred and eighty-three, being an act entitled "An act to provide for the taking of private property for the public use, and for the opening of streets and alleys by the city of Detroit."* (Act approved May 14th, 1885)

(§ 726.) SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of Detroit is hereby authorized to open, extend, widen or straighten streets and alleys in said city, for the public use and benefit, and to take private property therefor, and institute and prosecute proceedings for that purpose in accordance with the provisions of this act.

Common council authorized to open, etc., streets and alleys.

(§ 727.) SEC. 2. Whenever the common council of the city of Detroit shall deem it necessary for the use and benefit of the public to make any such improvement, and to take private property therefor, said council shall, by resolution, so declare, and also describe

Resolution to declare necessity.

*NOTE.—Since the decision of the case of Tuller vs. the city of Detroit, 55 N. W. Reporter, 1032, which had not been rendered when the preceding portion of this compilation was prepared, the compiler has deemed it advisable to print this act as part of the compilation. Prior to the decision of the Tuller case the general impression seemed to be that the opinion in the case of of the City of Detroit vs. Daly, 68 Mich., 503, held the act to be invalid.

such property, and designate the purpose for which it is to be taken, and fix and describe a special taxing district, embracing only the taxable real estate which, in the opinion of said council, will be benefited by such improvement. Said resolution shall direct the city attorney to institute proceedings in the recorder's court of said city to carry out the objects of such resolution.

City Attorney to file petition in Recorder's Court.

(§ 728.) SEC. 3. Upon the passage by the common council of such resolution, it shall be the duty of the city attorney to prepare and file, in the name of the city, in the recorder's court of said city, a petition signed in the name of the city, by the city attorney, in his official capacity, which shall allege the passage of, and have annexed thereto, a certified copy of said resolution; shall describe all the lots, tracts and parcels of private property proposed to be taken or assessed, and set forth the names of the owners, occupants, mortgagees, lessees, and others interested in such lots, tracts and parcels, respectively, as far as the same can be ascertained, and shall allege that it is necessary to take such property for the public use and benefit;

Allegation of petition.

and pray that a jury may be impaneled to determine whether it is necessary to make such improvement, and to take such property for the public purpose therein stated, and to ascertain and fix the just compensation to be paid therefor, and to assess and apportion one-half of the compensation awarded in the case of the opening, widening, extending and straightening of streets, and the whole amount of the compensation awarded in the case of opening, widening, straightening and extending of alleys, upon such portion of the real estate within the assessment district as may be benefited by such improvement. The petition may pray for any other or further relief deemed necessary within the objects of this act.

Payment of damages.

(§ 729.) SEC. 4. One-half of the damages and compensation awarded by the jury, and all the expenses of opening, extending,

widening or straightening streets, and all the expenses of opening, extending, widening or straightening alleys, shall be paid by the city and raised by a general tax, to be levied and collected according to the provisions of the charter of the city.

(§ 730.) SEC. 5. Upon filing said petition, it shall be the duty of the clerk of said court, upon request in writing of the city attorney to issue a summons against the respondents named in the petition, commanding them, in the name of the people of the State of Michigan, to appear before said court at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted. Summons.

(§ 731.) SEC. 6. Said summons shall be served by the sheriff under sheriff, or deputy sheriff of the county, at least five days before the return day thereof, upon all the respondents found within the county of Wayne, by exhibiting the original and delivering a copy to each of them; and service of said summons upon all other respondents shall be made by publishing for five successive days a copy of such summons in at least one daily paper published in said city, to be designated by the judge of said recorder's court; the return of the sheriff to said summons and affidavits showing due publication of said summons, shall be filed in said court before a jury shall be empaneled, and be sufficient evidence of service on the respondents and of the manner of service, and thereafter all respondents shall take notice of and be bound by all subsequent proceedings without further notice. Service of summons.

(§ 732.) SEC. 7. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the court shall make an Jury.

order that a jury be empaneled in the cause. Such jury shall be composed of resident freeholders of the municipality, and shall be selected and empaneled as hereinafter provided.

Jury list.

(§ 733.) SEC. 8. On the second Tuesday of June in each year, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, the board of assessors of the city of Detroit, the clerk of said court, and the sheriff of the county of Wayne, shall meet together in the office of the said assessors in said city, and shall then proceed in public to select from the last annual ward assessment rolls of said city (which rolls the custodian shall produce before them) a list of three hundred persons to serve as jurors in said court—the persons so selected to be qualified electors and freeholders in said city of Detroit, and capable of understanding and speaking intelligibly the English language. Said list shall be signed by the said assessors, clerk and sheriff, if they all be present and assist in the making thereof: *Provided*, That any two of them shall be authorized to select such list and sign the same in the absence of the third: *Provided, further*, That if said list is not selected as above provided, or if for any reason a legal list shall not have been made, the recorder's court may by an order, entered of record, command the said assessors, clerk and sheriff to proceed forthwith to select such list, and sign and file the same. When the list is selected and signed as aforesaid, it shall be filed by the officers signing the same in the office of the clerk of said court. The persons whose names are set forth in said list shall be liable to serve as jurors in said court for one year, or until a new list is selected. Every person who shall directly or indirectly ask to be placed upon said list shall thereby render himself ineligible to serve as a juror in said court for one year thereafter, and his name shall in no case be placed upon such list during that period.

Freeholders.

List to be for one year.

Jury box.

(§ 734.) SEC. 9. Upon receiving such list, prepared and filed as aforesaid, the clerk of said court shall write the names of the persons thus selected on separate strips of paper of the same size and appearance, as near as may be; shall fold up each of said strips of paper in the same manner, so as to conceal the name thereon, and deposit the same in a box, to be called and labeled "Detroit city street opening jury box."

Drawing of jury, when and how made.

(§ 735.) SEC. 10. No jury shall be drawn for any term without an order previously made by the court, and such order shall specify the number of jurors, not less than twenty-four nor more than fifty, to be drawn, and the time at which they shall be summoned to attend. It shall thereupon be the duty of the clerk to draw the number of names ordered by the court from the street opening jury box, and at least two days before such drawing the said clerk shall give notice to the judge of said court, and to the sheriff, of the day and hour when such drawing shall take place. At the time so appointed it shall be the duty of said judge, and of the sheriff of Wayne county, or some deputy sheriff, to attend at the clerk's office and witness said drawing of jurors, and if neither said judge, sheriff or deputy sheriff be present at the appointed time, the clerk may adjourn such drawing to some certain hour on the next day, and from day to day thereafter, of which adjournment he shall forthwith give notice to said judge and sheriff. If at the first time appointed for such drawing, or at the adjourned time therefor, either said judge, sheriff or deputy sheriff shall be present, the clerk shall proceed to draw from said box publicly, and in the presence of the officer or officers attending, as many strips of paper, containing the names of jurors written thereon, as may have been ordered by the court, and one of the attending officers shall keep a minute of such drawing, in which he shall enter the name of every strip of paper drawn, before any other such strip be drawn. The said minute of the drawing shall then be signed by the clerk of

said court and the attending officers, and filed by the clerk in his office, and he shall immediately make out a *venire facias* and deliver the same to the sheriff of Wayne county, which shall command him or any of his deputies to summon the persons named therein to be and appear in said court, at the terms thereof for which they were drawn, to serve as street opening jurors, and not depart the same until discharged, under such penalty as the court may impose. Said *venire facias* shall be served at least three days before the term of the court therein specified, by giving personal notice to each person therein named, or by leaving a written notice at his place of residence, with some person of proper age, and return thereof shall be made to said court at its opening, specifying those who were summoned, and the manner in which each person was notified. All talesmen who may be directed by the said judge to be summoned for the term shall be drawn from the jury box, in the same manner as the original panel. In empaneling a jury the practice and proceedings, relative to empaneling, exempting and excusing jurors and talesmen, and imposing penalties upon them for non-attendance, shall be the same as in the recorder's court of said city relative to petit jurors. The city attorney, in behalf of the city of Detroit, shall be entitled to two peremptory challenges, and the respondents collectively shall be entitled to the same number. Whenever there shall not be qualified jurors enough present to form a panel in any case, the panel may be filled up in the same manner as a panel of petit jurors is filled up in a like case in said court, and the court may order talesmen to be summoned from the bystanders or neighboring citizens. If any juror after being sworn shall die, or for any other cause become unable to discharge his duties, the court may appoint another qualified person to serve in his place, who shall be sworn and take his place upon the jury.

Venire facias.

Talesmen.

Challenges.

Talesmen.

Oath and duties of jury.

(§ 736.) SEC. 11. Every juror empaneled in any cause shall be sworn as follows: "You do solemnly swear (or affirm) that in the

matter of ..... you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement, and for taking for the use and benefit of the public the private property which the petition describes and prays may be taken; and if you determine that it is necessary, then that you ascertain, determine, and award the just compensation to be made therefor, and assess upon the property in the assessment district described in the petition one-half of all the damages so awarded, in the case of streets, and the entire amount in the case of alleys, as the case may be, and faithfully and impartially discharge all other duties as devolve upon you in this case, and, unless discharged by the court, a true verdict give, according to law and the evidence, so help you God." They shall hear the proof and allegations of the parties and the arguments of counsel, and, if so ordered by the court, shall go to the place of the intended improvement in charge of an officer, and upon, or as near as practicable, to any property proposed to be taken or assessed, and examine the premises. They shall be instructed as to their duties and the law of the case by the court, and shall retire under the charge of an officer, and render their verdict in the same manner as on the trial of any ordinary civil case.

Jury to determine the necessity, damages, etc.

(§ 737.) SEC. 12. The jury shall determine in their verdict the public necessity for the proposed improvement, and for taking such private property for the use or benefit of the public for such proposed improvement, and in case they find that such necessity exists, they shall award te the owners of said property such compensation therefor as they shall deem just; and in determining the amount of said damages, where only a part of a lot or lots of land is taken, the jury shall take into consideration the amount of benefits, if any, which the portion not taken will receive from the intended improvement, but it shall not be necessary for them to state in their report the damages separately, but only the net amount of damages; and shall assess and

apportion in the case of oponing, widening, straightening, or extending alleys, the whole amount of the compensation, and in the case of opening widening, straightening, or extending streets, one-half of the compensation to be paid for the private property taken upon such lots and parcels and subdivisions of real estate within the assessment district fixed by the common council, in proportion, as nearly as may be, to the benefits they will receive: *Provided, however*, That if the jury believe that the benefit to any lot will, as compared with the benefit to the others be merely nominal, they make a nominal assessment upon said lot. If any such private property taken shall be subject to a valid mortgage, lease or agreement, and the taking thereof for such purpose will impair such security, lease or agreement, the jury shall apportion and award to the owner of said mortgage, lessee, or person interested in said agreement, such portion of the compensation as they shall deem just, and if there are any buildings, or other personal property situated on the land taken, the jury may, at the request of the owner, allow, instead of damages for the value, damages and expenses for the removal thereof. The damages for taking any land belonging to the estate of any deceased person shall be awarded to said estate, and shall be paid to the executor or administrator of said estate, or if there is no such executor or administrator, or he cannot be found, it shall be deposited in the city treasury to the credit of said estate, and be paid to the person entitled to receive the same.

Nominal assessments may be made.

(§ 738.) SEC. 13. To assist the jury in arriving at the verdict, the court may allow the jury, when they retire, to take with them the petition filed in the case, and maps showing the proposed improvement, and the assessment district, and the location of each and all the parcels of property to be taken or assessed, with the names of all parties interested in such property, and may also submit to them a blank verdict, which may be as follows:

Form of verdict.

PART I.

We, the undersigned jury, empaneled in the above matter, and having given the same due consideration, do hereby find and determine that it is necessary to ..... said ..... as proposed for the public use and benefit as a public ....., and that for said use and benefit and purpose it is necessary to take the private property described in the petition in this cause, which said property is hereinafter described.

PART II.

And the damages sustained, and the just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows:

Description of each of the several parcels of private property to be taken.	Owners and others interested in each parcel.	Compensation and Damages.

PART III.

And the benefit to be received from such improvement by the property within the assessment district we hereby determine to be as follows:

Description of each of the several parcels of property to be assessed.	Owners (and others interested) of each parcel.	Benefits.

The different descriptions of property and the names of the owners and others interested therein, may be inserted in said blank verdict, under the direction of the court, before it is submitted to the jury.

New trial.

(§ 739.) SEC. 14. The verdict of the jury may be set aside by the court, and a new trial ordered for objections of law and to matters of substance, but not for objections as to matters of form, in the same manner and on the same grounds as in ordinary civil

Amendments.

actions in the circuit courts of this State; and amendments either in form or substance, of the petition, process and proceedings, may be allowed when they will not interfere with the substantial rights of the parties. And if by such amendment, new parties are added to the proceedings, a new summons may be issued to bring in such additional parties, and when any such further summons is issued, the pro-

ceedings shall be adjourned by the court a sufficient length of time, not less than six days, to enable such summons to be served, which summons shall be made returnable on the day to which the case is adjourned, but shall be served at least three days previous thereto. The court may refer back to the same jury the verdict for the purpose of correcting all errors therein contained during the term of court for which said jury was empaneled, and for that purpose may recall the jury. Rules of practice of the recorder's court shall be followed as near as may be in all proceedings under this act.

New trial.

(§ 740.) SEC. 15. Motions for a new trial, or to arrest the proceedings, shall be made within two days after the rendition of the verdict, unless further time is allowed by the court, and if no such motion is made, or being made, is overruled, the court shall enter an order confirming the verdict of the jury, and such judgment or confirmation, unless reversed by the supreme court, shall be final and conclusive as to all persons interested therein. The compensation assessed by the jury upon any lot or parcel of land shall be a lien thereon from the time of such confirmation until paid and satisfied.

Confirming verdict.

Appeal.

(§ 741.) SEC. 16. Any person whose property may be taken or assessed, considering himself aggrieved, may appeal from the judgment of the court confirming the verdict of the jury, by filing in writing with the clerk of said court a notice of such appeal within five days after the confirmation, and serving within the same time a copy thereof on the city attorney, and filing a bond in said court to be approved by the judge thereof, conditioned for the prosecution of said appeal and the payment of the sum assessed against the appellant, and all costs that may be awarded against him in case the judgment and confirmation of the court shall be affirmed. The appeal herein provided shall be the only remedy for reviewing proceedings, and for contesting and altering assessments under this act, and no injunc-

tion or *certiorari* shall be allowed or issued in these cases, except that writs of *certiorari* may issue out of the supreme court upon jurisdictional grounds only when allowed by one of the justices of said court. The common council shall have no power to in any manner disturb or alter the verdict of said jury as to awards or assessments or in any other respect, after the said verdict shall have been finally confirmed.

Record, etc., in Supreme Court.

(§ 742.) SEC. 17. In case of appeal as above, it shall be the duty of the clerk of the court, without delay, to transmit to the supreme court a certified copy of all the files, records and proceedings of the case. And it shall be the duty of the judge of the court, at the request of the appellant, to settle and sign a case showing the testimony taken on the trial, the objections, rulings, and exceptions concerning the same, and the instructions of the court to the jury, with the exceptions thereto, and the same shall be returned by the clerk as a part of the record in the case.

Hearing in Supreme Court.

(§ 743.) SEC. 18. The said appeal may be brought on for hearing at any term of the supreme court, and said court shall have power to determine the case upon the facts and the law as in chancery appeals, and to enter such final judgment or decree as may of right appear, and may remand the case to the court below for such further proceedings before a jury, or otherwise, as may be necessary. The said court shall allow the prevailing party his reasonable costs and expenses to be taxed, and all costs and expenses awarded to the city may be applied on or deducted from the compensation, if any, to be paid to the appellant.

Costs.

Proceedings after confirmation of verdict.

(§ 744.) SEC. 19. When the verdict of the jury shall have been finally confirmed by the court, and the time in which to take an appeal has expired, or if any appeal is taken, on the filing in the court below of a certified copy of the order of the supreme court affirming

the judgment of confirmation, it shall be the duty of the clerk of the court below to transmit to the common council a certified copy of the verdict of the jury, and of the judgment of confirmation, and thereupon the common council shall, by resolution, direct the treasurer of said city to collect the benefits and the cost and expenses assessed by the court and jury, and a certified copy of such resolution shall be annexed to the record transmitted by the clerk of the court, and the same shall then be delivered to said treasurer. If such assessments are not paid or tendered to the treasurer within fifty days after the passage of such resolution, he shall proceed to sell the property assessed in the same manner as is provided by law for the sale of real estate upon execution, and with the same force and effect.

When assessments to be paid.

Sale of lands.

(§ 745.) SEC. 20. Within one year after the confirmation of the verdict of the jury, or after the judgment of confirmation shall on appeal be affirmed, the common council shall cause the city treasurer to pay or tender to the respective persons entitled to receive the same, the damages and compensation awarded for taking such private property, according to the verdict of the jury as finally confirmed; and in case any person shall refuse the same, be unknown, or a non-resident of said city, or cannot with reasonable diligence be found in said city, or for any reason be incapacitated from receiving his amount, or the right thereto be disputed or doubtful, the common council may deposit the amount awarded in such case in the city treasury, and shall, on demand, pay the same over to any person entitled and competent to receive it, taking receipt therefor. Upon such payment, tender or deposit, the common council may enter upon, take possession of, and convert such private property to the uses and purposes for which it was taken, and may remove all buildings, fences, and other obstructions therefrom. The treasurer shall make a certificate, verified by his oath, showing his action in making such payment, tender or de-

Payment of awards.

Tender of awards.

Treasurer to make certificate

posit, and shall file the same with the clerk of the recorder's court, and shall be *prima facie* evidence of the facts therein stated.

Buildings, etc., to be sold at auction.

(§ 746.) SEC. 21. All buildings, fences, and other personal property taken by such proceedings in street opening cases, except that removed by the owner as otherwise provided, shall be sold at public auction by the city treasurer. Due publication of such sales shall be made in at least two daily newspapers in said city, for at least five days, and printed notices posted on or near such property at least ten days prior to the day of sale. In the case of widening, straightening, opening or extending alleys, the entire proceeds of such sales, and in the case of opening, widening or straightening or extending streets, one half of the amount of such proceeds shall be refunded by the city treasurer to the parties assessed for the opening, widening, straightening or extending thereof in proportion to the amounts of their several assessments. The balance of such proceeds in the case of opening, widening, straightening or extending streets, shall be paid into and become part of the street opening fund.

Refunding of proceeds.

Fees of officers, Witnesses, etc.

(§ 747.) SEC. 22. Officers, jurors and witnesses in any proceedings under this act shall be entitled to receive from the city the same fees and compensation as are provided by law for similar services in an ordinary action at law in the circuit court of the State.

Common council not to discontinue proceedings

(§ 748.) SEC. 23. The common council shall not have power to discontinue proceedings under this act after the rendition of the verdict of the jury, but they may direct the city attorney to move for a new trial, or to arrest the proceedings, or to take an appeal to the supreme court, and in any such case the same proceedings shall be had as are hereinbefore prescribed in the case of like proceedings on the part of any respondent.

City Engineer to make maps

(§ 749.) SEC. 24. Before the trial in any proceeding under this act, the common council shall cause the property to be taken to be surveyed and staked out, or otherwise marked upon the premises, and shall cause a map or plan thereof, and of the assessment district, certified to be correct by the city engineer or person making the same, to be prepared, to be attached to and made a part of the petition herein provided for, the same to be subject to alteration and correction under the direction of the court. The common council, in all cases where there shall be a special assessment, shall have authority to advance the sums awarded to owners or occupants of, or others interested in, the property to be taken, and there shall in all cases be deducted from such sums any assessment for benefits made against the property of said owners and others interested, respectively. At any sale under this act of the property assessed, the city attorney, or in his absence, the city treasurer, shall have authority to bid in for the corporation any parcel of land for which there shall be no bid from other parties sufficient to cover the amount due from such parcel, including its ratable proportion of the costs and expenses of making such sale, and on any such bid the corporation shall be entitled to all the rights of any other purchaser.

Common council may advance awards.

Sale of property for assessments.

Repeal of former act.

(§ 750.) SEC. 25. Act number 281 of the session laws of 1883, being an act entitled "An act to provide for the taking of private property for the public use, and for the opening of streets and alleys by the city of Detroit," is hereby repealed. (Approved May 14, 1885, and given immediate effect.)

TAKING OF PRIVATE PROPERTY FOR PUBLIC USE IN CITIES AND VILLAGES.

An act to authorize cities and villages to take private property for the use or benefit of the public, and to repeal act number twenty-six of the public acts of 1882.

Approved May 31, 1883.

Authority of common council etc., to take private property for public uses.

(§ 751.) SECTION 1. That the common council of any city, or the board of trustees of any village, or the board of supervisors of any county in this State, is hereby authorized to take private property for the use or benefit of the public within the limitation of the state constitution, and to institute and prosecute proceedings for that purpose.

Proceedings, how and when commenced.

(§ 752.) SEC. 2. Such proceedings may be commenced and prosecuted under this act, whenever the common council, board of trustees or board of supervisors shall have declared a public improvement to be necessary in the municipality or county, and shall declare that they deem it necessary to take private property, describing it, for such public improvement, designating it, and that improvement is for the use or benefit of the public. They shall, by resolution, direct the city or village attorney, or the prosecuting attorney of the county, to

Proceedings, how instituted.

institute the necessary proceedings in behalf of the municipality or county in the proper court, to carry out the object of the resolution in regard to taking private property by the city, village or county.

Jurisdiction of circuit court.

Jurisdiction is hereby conferred upon the circuit court for the county in all cases brought under this act: *Provided*, That in cities having a

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recorder's court, the proceedings shall be instituted and prosecuted in that court, and in cities having a superior court and no recorder's court, such proceedings shall be instituted and prosecuted in such superior court, unless otherwise ordered by the board of supervisors in matters pertaining exclusively to the interests of the county.

Petition to be filed by attorney.

(§ 753.) SEC. 3. The city, village or county clerk shall make and deliver to such attorney, as soon as may be, a copy of such resolution certified under seal, and it shall be the duty of such attorney to prepare and file in the name of the city, village or county in the court having jurisdiction of the proceedings, a petition signed by him in his official character and duly verified by him; to which petition a certified copy of the resolution of the common council, board of trustees or board of supervisors shall be annexed, which certified copy shall be *prima facie* evidence of the action taken by the common council, board of trustees or board of supervisors and of the passage of said resolutions. The petition shall state, among other things, that it is made and filed as commencement of judicial proceedings by the municipality or county in pursuance of this act to acquire the right to take private property for the use or benefit of the public, without consent of the owners, for a public improvement, designating it, for a just compensation to be made. A description of the property to be taken shall be given, and generally the nature and extent of the use thereof that will be required in making and maintaining the improvement shall be stated, and also the names of the owners and others interested in the property, so far as can be ascertained, including those in possession of the premises. The petition shall also state that the common council or board of trustees or board of supervisors has declared such public improvement to be necessary and that they deem it necessary to take the private property described in that behalf for such improvement for the use or benefit of the public. The petition shall ask that a jury be summoned and empaneled to ascertain

What petition to state.

Description of property, etc.

Jury.

and determine whether it is necessary to make such public improvement, whether it is necessary to take such private property as it is proposed to take, for the use or benefit of the public, and to ascertain and determine the just compensation to be made therefor. The petition may state any other pertinent matter or things and may pray for any other or further relief to which the municipality or county may be entitled within the objects of this act.

Clerk to issue summons.

(§ 754.) SEC. 4. Upon receiving such petition, it shall be the duty of the clerk of said court to issue a summons against the respondents named in such petition, stating briefly the object of said petition, and commanding them, in the name of the people of the State of Michigan, to appear before said court, at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted.

Service of summons, etc.

(§ 755.) SEC. 5. Said summons shall be served by the sheriff, under sheriff, deputy sheriff of the county, or by any member of the metropolitan police of the city of Detroit, at least five days before the return day thereof upon all of the respondents found within the county, by exhibiting the original and delivering a copy to each of them. If any respondent who is a resident of the county cannot be found, the summons shall be served by leaving a copy thereof at his or her usual or last place of abode, with some person of suitable age and discretion. If any minor or person of unsound mind is interested in the premises to be taken, service may be made on the guardian of such person, if any, and if there is no guardian the court may appoint some discreet and proper person to be guardian of such person in such proceedings; any such guardian shall have authority to represent such person in said proceedings. The proceedings to appoint such guardian shall be the same as in other cases provided by statute.

When minor, etc, is interested

Guardian.

If it shall appear on the return day of the summons that any respondent cannot be found within the county and has not been served in the manner provided, or is a non-resident and has not voluntarily appeared, the court may make an order requiring such respondent or respondents to appear and show cause why the prayer of the petition should not be granted on a day to be named in the order not less than thirty days from the date thereof, and may require that a certified copy of such order be personally served on such respondents wherever found, if practicable, at least six days before the time named in the order for appearance, or the court may make such order for appearance and require as to any or all such respondents who shall not have been personally served and have not appeared, that service be made by publishing a certified copy of such order for three successive weeks at least once in each week in at least one newspaper published within the municipality or county, if there be one, and if not then in a paper published in the county nearest thereto, the last publication to be at least six days before the day fixed in the order for appearance. *Alias* and *pluries* summons may be issued and the court may adjourn the proceedings from time to time as there shall be occasion and as in other civil cases. Service of such order for appearance in either mode prescribed shall be sufficient notice of the proceedings to bind the respondents and the property represented by them. The return of the officer upon the summons and an affidavit of the due service or the publication of the order for appearance if any, shall be filed in the clerk's office before a jury shall be empaneled and be sufficient evidence of service on the respondents and of the manner of service.

When respondent is a non-resident.

Personal service.

Service by publication.

Alias and pluries summons.

Return of officer.

(§ 756.) SEC. 6. On the return day of the summons, or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the court shall make an order that a jury be empaneled in the cause. Such jury shall be composed of twelve freeholders of the municipality or county, and

Jury empaneled.

shall be selected and empaneled as follows: The sheriff, under sheriff or a deputy sheriff of the county, shall, on the same day, or at an adjourned day, make a list of twenty-four resident freeholders of said city, village or county, and the city or village attorney, or prosecuting attorney in person, or by an assistant or deputy, and the respondents collectively, shall each have the right to strike six names from the list of persons written down as aforesaid, and subject to objection for cause, the twelve persons whose names are left on the list shall compose the jury for the trial of the cause, and shall be summoned to attend at such time as the court shall direct, by a *venire* issued by the clerk of the court, and to be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, it shall be done by the judge of the court, and in case any of the persons to be summoned cannot be found in the county, or being summoned do not attend, or shall be excused for cause, or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case by such sheriff or sheriff's officer, or authorized person, and the practice and proceedings under this act, except as herein provided, relative to empaneling, summoning and excusing jurors and talesmen, and imposing penalties or fines upon them for non-attendance, shall be the same as the practice and proceedings of the circuit courts of the state relative to petit jurors in civil cases in such courts, except that peremptory challenges shall not be allowed.

Oath of Jurors.

(§ 757.) SEC. 7. The jurors so empaneled shall be sworn or shall affirm in substance as follows: "You do solemnly swear (or affirm) that you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement and for taking for the use or benefit of the public the private property which the petition describes and prays may be taken, and if you shall determine that it is necessary to make such improvement and to take said property, that then you ascertain, determine and award the just

compensation to be made therefor, and faithfully and impartially discharge all other duties as devolve upon you in this case, and unless discharged by the court a true verdict give according to law and the evidence, so help you God, (or under the pains and penalties of perjury.)" The jury shall hear the proofs and allegations of the parties, and if so ordered by the court shall go to the place of the intended improvement, in the charge of an officer, and upon or as near as practicable to any property proposed to be taken and examine the premises. They shall be instructed as to their duties and the law of the case by the judge of the court and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing and be signed by the foreman or by all the jurors.

Jury to hear proofs and allegations, etc.

To receive instructions in law, etc.

Verdict, to be in writing.

(§ 758.) SEC. 8. The jury shall determine in their verdict the necessity for the proposed improvement and for taking such private property for the use or benefit of the public for the proposed improvement, and in case they find such necessity exists they shall award to the owners of such property and others interested therein such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement, or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

What verdict to determine.

Property subject to mortgage, etc

(§ 759.) SEC. 9. To assist the jury in arriving at their verdict the court may allow the jury, when they retire, to take with them the petition filed in the case and a map showing the location of the proposed improvement and of each and all of the parcels of property to be taken, and may also submit to them a blank verdict which may be as follows:

Jury may take petition, etc., to jury room.

PART I.

Blank verdict.

We find that it is ..... necessary to take the private property described in the petition in this cause, for the use and [or] benefit of the public, for the proposed public improvement.

PART II.

The just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows:

Description of each of the several parcels of private property to be taken.	Owners, occupants, and others interested in each parcel.	Compensation.	To whom payable.
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

The different descriptions of the property and the names of the occupants, owners, and others interested therein, may be inserted in said blank verdict, under the direction of the court, before it is submitted to the jury, or it may be done by the jury.

Verdict set aside same as in civil suits.

(§ 760.) SEC. 10. The verdict of the jury may be set aside by the court and a new trial ordered as in civil suits at law in the circuit courts of this state.

Amendments.

Amendments either in form or substance may be allowed in any paper, petition, process, record, or proceeding, or in the description of property proposed to be taken, or the name of any person, whether contained in a resolution passed by the common council, board of trustees, or board of supervisors of the county, or otherwise, whenever the amendment will not interfere with the substantial rights of the parties. Any such amendment may be made after as well as before judgment confirming the verdict of the jury.

Motions for new trial, etc.

(§ 761.) SEC. 11. Motions for a new trial or to arrest the proceedings shall be made within two days after the rendition of the verdict, unless further time is allowed by the court; and if no such motion is made, or being made is overruled, the court shall enter an order or judgment confirming the verdict of the jury; and such judgment of confirmation, unless reversed by the supreme court, shall be final and conclusive as to all persons interested therein.

Confirmation of verdict.

Appeal.

(§ 762.) SEC. 12. Any person whose property may be taken, considering himself aggrieved, may appeal from the judgment of the court confirming the verdict of the jury by filing in writing with the clerk of said court a notice of such appeal within five days after the confirmation, and within the same time serving a copy thereof on the city or village attorney, or prosecuting attorney of the county, and filing a bond in said court, to be approve by the judge thereof, conditioned for the prosecution of said appeal to judgment and the payment of all costs, damages, and expenses that may be awarded against him, in case the judgment of confirmation shall be affirmed. Such appeal shall be perfected within the same time and prosecuted as an appeal in chancery, as near as may be, subject to the provisions of this act.

Appeal bond.

Perfecting appeal.

Duty of clerks on appeal.

(§ 763.) SEC. 13. In case of such an appeal the clerk of the court, on payment of his legal fees and charges, shall transmit to the supreme court a certified copy of the necessary files, records, and proceedings in the case; and the judge of the court shall, at the request of the appellant, settle a case according to the usual practice of said court, showing the material evidence and instructions given to the jury bearing upon any disputed points to which exception was taken, and the objections, rulings, and exceptions in the case, all of which shall be returned by said clerk as part of the records, to the clerk of the supreme court.

Hearing on appeals.

(§ 764.) SEC. 14. The said appeal may be brought on for a hearing at any term of the supreme court, and said court may affirm, or for any substantial error reverse the judgment, and may grant a new trial. The said court shall allow the prevailing party his reasonable costs and expenses to be taxed, and give judgment as in other chancery appeals, and all costs, damages and expenses awarded to the city, village or county, if it so elect, may be applied on or deducted from the compensation, if any, to be paid, or execution may issue on the judgment. Damages may be awarded against a party appealing without reasonable cause.

Costs, expenses etc.

When clerk to transmit certified copy of proceedings.

(§ 765.) SEC. 15. When the verdict of the jury shall have been finally confirmed by the court, and the time in which to take an appeal has expired, or, if an appeal is taken, on the filing in the court below of a certified copy of the order of the supreme court, affirming the judgment of confirmation, it shall be the duty of the clerk of the court to transmit to the common council, board of trustees, or board of supervisors, a certified copy of the verdict of the jury, and of the judgment of confirmation, and of the judgment, if any, of affirmance; and thereupon, the proper and necessary proceedings, in due course, shall be taken for the collection of the sum or sums awarded by the jury. If the common council, or board of trustees, or board of supervisors, believe that a portion of the city, village or county in the vicinity of the proposed improvement, will be benefited by such improvement, they may, by an entry in their minutes, determine that the whole or any just proportion of the compensation awarded by the jury shall be assessed upon the owners or occupants of real estate deemed to be thus benefited; and thereupon they shall, by resolution, fix and determine the district or portion of the city [or] village or county benefited, and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The amount of the benefit thus ascertained shall be assessed upon the owners or occupants of

Assessments according to benefits.

such taxable real estate, in proportion as nearly as may, to the advantage which such lot, parcel, or subdivision is deemed to acquire by the improvement. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceeding, as near as may be, as is provided in the charter of the municipality for assessing, levying, and collecting the expense of a public improvement when a street is graded. The assessment roll containing said assessments, when ratified and confirmed by the common council, board of trustees, or board of supervisors, shall be final and conclusive, and *prima facie* evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the same is made, until payment thereof. Whatever amount or portion of such awarded compensation shall not be raised in the manner herein provided, shall be assessed, levied and collected upon the taxable real estate of the municipality, the same as other general taxes are assessed and collected in such city, village or county. At any sale which takes place of the assessed premises, or any portion thereof, delinquent for non-payment of the amount assessed and levied thereon, the city, [or] village or county may become a purchaser at the sale.

Making and collecting assessments.

When assessment roll to be final.

City may become purchaser at tax sale.

(§ 766.) SEC. 16. Within one year after the confirmation of the verdict of the jury or after the judgment of confirmation shall on appeal be confirmed, the common council, board of trustees or board of supervisors shall set apart and cause to be provided in the treasury, unless already provided, the amount required to make compensation to the owners and persons interested for the private property taken as awarded by the jury, and shall, in the resolution setting apart and providing said sum, if not already provided, direct the city or village treasurer, or the county treasurer, to pay to the persons respectively entitled to the money so set apart and provided, to each his or her proportion, as ascertained and awarded by said verdict. And it shall

Compensation, how paid, etc.

Duty of treasurer.

be the duty of the treasurer to securely hold such money in the treasury for the purpose of paying for the property taken, and pay the same to the persons entitled thereto, according to the verdict of the jury, on demand, and not pay out the money for any other purpose whatever. The common council, board of trustees or board of supervisors may provide the necessary amount by borrowing from any other money or fund in the treasury, and repay the same from money raised to pay the compensation awarded by the jury when collected, or otherwise, as they may provide. Whenever the necessary sum is actually in the treasury for such purpose, the treasurer shall make and sign duplicate certificates, verified by his oath, showing that the amount of compensation awarded by the jury is actually in the treasury for payment of the private property taken in the case, giving the title of the case; he shall cause one of the certificates to be filed in the office of the clerk of the court in which the proceedings were had, and the other to be filed with the city clerk or county clerk, which certificates shall be *prima facie* evidence of the matters therein stated. Whenever the amount of the compensation is in the treasury and thus secured to be paid, the common council, board of trustees, or board of supervisors, may enter upon and take possession of and use such private property for the purposes for which it was taken and may remove all buildings, fences and other obstructions therefrom. In case of resistance or refusal on the part of any one to the common council, board of trustees, or board of supervisors, or their agents and servants entering upon and taking possession of such private property for the use and purpose for which it was taken, at any time after the amount of the compensation aforesaid is actually in the treasury, ready to be paid to those entitled thereto, the common council, board of trustees, or board of supervisors, by the city or village attorney, or prosecuting attorney, may apply to the court, and shall be entitled, on making a sufficient showing, to a writ of assistance to put them in possession of the property.

Council, etc., may borrow money.

Duty of treasurer.

When council, etc., may take possession.

In case of resistance, etc.

Writ of assistance.

(§ 767.) SEC. 17. Officers, jurors and witnesses in any proceedings under this act shall be entitled to receive from the city, [or] village or county instituting the proceedings, the same fees and compensation as are provided by law for similar services in an ordinary action at law in the circuit courts of this state. Compensation of officers.

(§ 768.) SEC. 18. The practice and proceedings of the recorder's court of the city of Detroit under this act, relating to the summoning and excusing of jurors and talesmen and to imposing penalties upon them for non-attendance, shall be the same as the practice and proceedings of said court relative to petit jurors for the trial of criminal cases, but no peremptory challenges shall be allowed. Practice in recorder's court of Detroit.

(§ 769.). SEC. 19. All the expenses and costs of the proceedings to take and use private property under this act, incurred by the municipality or county, shall be paid out of the general fund, contingent fund, or a fund provided for such purposes, as the case may be; and it shall be lawful for the judge in any case to order the payment by the city, village or county to any respondent of such a reasonable attorney fee as he may deem just, not exceeding twenty-five dollars, which may be taxed with the costs. Costs and expenses. Attorney fee

(§ 770.) SEC. 20. The cities and villages of this state, authorized to take or hold land or property outside of their corporate limits for obtaining and securing a supply of water to the municipality, or for any other public purpose, may take private property therefor, provided it is for the use or benefit of the public. The proceedings in all such cases shall comply, as near as may be, to the proceedings prescribed by this act, but shall be instituted in the circuit court of the county where the property is situated, and the jury shall be composed of twelve freeholders of the county, and shall be empaneled as follows: The sheriff, under sheriff, or a deputy sheriff of the county shall make a list of twenty-four freeholders residing in the vicinity of Property may be taken to secure water supply. Proceedings Empaneling a jury.

the property, and the city attorney and the respondents, collectively, shall each have the right to strike six names from said list, and the twelve persons left thereon shall compose the jury, and shall be summoned to attend by a *venire* issued by the clerk of said court, and to be served by one of said sheriffs. If the respondents neglect or refuse to strike six names from said list, it shall be done by the circuit judge, and in case any of the persons so summoned shall not attend, or shall be excused for cause or otherwise, talesman [talesmen] possessing the necessary qualifications shall be summoned by one of said officers.

Motion for new trial, appeal, etc

(§ 771.) SEC. 21. The common council, board of trustees, or board of supervisors shall not have power to discontinue proceedings under this act after the rendition of the verdict of the jury, but they may direct the city or village attorney, or prosecuting attorney of the county to move for a new trial, or to arrest the proceedings, or to take an appeal to the supreme court, and in any such case the same proceedings shall be taken as are hereinbefore prescribed in the case of like proceedings on the part of any respondent, except that no bond shall be required, nor shall the municipality or county be required to pay the clerk of the recorder's or superior court fees.

Evidence of ownership of property.

(§ 772.) SEC. 22. It shall be *prima facie* evidence as to who are owners of and persons interested in any property proposed to be taken in the proceedings instituted under this act, if the register or deputy register of deeds of the county shall testify in open court that he has examined the records and titles in his office, and states who such records show are the owners of and persons interested in such property, and the nature and extent of such ownership and interest; and an abstract of the title of such property, or of any parcel or parcels thereof, certified by the register or deputy register of deeds, shall also be *prima facie* evidence as to ownership, and persons hav-

ing an interest in any such property, and the extent and nature of such interest.

Sale of buildings, etc.

(§ 773.) SEC. 23. In case there is on the private property taken a building or other structure, the same shall be sold by or under the direction of the common council, board of trustees, or board of supervisors; the amount produced by the sale shall belong and be paid to the fund for paying the compensation awarded for the property taken, and the common council, board of trustees, or board of supervisors shall cause such amount to be credited and applied in reduction *pro rata* of the assessment and apportionment made to pay for the property taken, provided that such assessments equal the amount awarded for the property taken.

Proviso.

Cities and villages may proceed under charter.

(§ 774.) SEC. 24. Cities and villages now authorized under existing acts of incorporation, or other special acts, to take private property for public uses, may severally proceed, under the provisions of their respective local charters, or other special acts, or under the provisions of this act; and this act shall not be construed as in any way affecting or impairing the provisions of such local charters or special acts on the subject of taking private property for public use.

Act repealed.

(§ 775.) SEC. 25. Act number twenty-six of the public acts of eighteen hundred and eighty-two, approved March fifteenth, eighteen hundred and eighty-two, is hereby repealed: but nevertheless proceedings begun and undetermined under said act, or any previous act, shall not be affected by such repeal, but may be completed in all respects and shall be as binding as if this act had not been passed.

CHAPTER XXXI.

ELECTION LAWS.

An Act to prescribe the manner of conducting and to prevent fraud and (deception) deceptions at elections in this state.

(§ 776.) SECTION 1. *The people of the State of Michigan enact*, That at all elections at which any presidential elector, member of congress, member of the legislature, state or county officer, or circuit judge is to be elected, or any amendments to the constitution, the supervisor, two justices of the peace not holding the office of supervisor or township clerk, whose term of office will first expire, and the township clerk of each township, and the assessor, if there be one, an alderman of each ward in a city shall be the inspectors of election: *Provided*, That in all voting precincts where by special enactment, provisions exist for designating inspectors of election, said provisions are not to be superseded, but such officers shall be the inspectors of election under this act; *And provided, further*, That no person shall act as such inspector, who is a candidate for any office to be elected by ballot, at said election. (As amended by act approved June 1, 1893.) Elections

(§ 777.) SEC. 2. In case four inspectors shall not attend at the opening of the polls, or shall not remain in attendance during the election, the electors present may choose, viva voce, such number of said electors as, with the inspector or inspectors present, shall constitute a board of four in number; and such electors so chosen, shall be inspectors of that election during the continuance thereof. Inspectors of election.

(§ 778.) SEC. 3. In townships, the township clerk, if present, shall act as clerk of the election, and before the opening of the polls, Clerks.

the inspectors in each township shall appoint an elector to be a second clerk of the election; and if the township clerk shall not be present, the board shall appoint two such clerks, and the inspectors in each ward or voting precinct in a city shall designate one of their number to act as clerk and shall appoint one other elector as second clerk; and each of the clerks so appointed, and each of the inspectors so chosen, shall take the constitutional oath of office, which oath either of the inspectors may administer.

Election districts.

(§ 779.) SEC. 4. No election district or voting precinct under the provisions of this act shall contain more than six hundred and fifty electors according to the poll list of the last preceding general election. When any election district or voting precinct shall contain over six hundred and fifty electors, it shall be the duty of the township board in townships, and the city council in cities, to divide such voting precincts into two or more election districts. In case of townships and incorporated villages so divided, the provisions of chapter eight of Howell's Annotated Statutes shall apply to and govern all proceedings hereunder, with reference to such division, boards of registration, election inspectors and all matters arising therefrom, not provided for by this act. In cities where no special provisions exist relative thereto, such division and all matters arising therefrom, not covered by the provisions of this act, shall be provided for by ordinance of the common council of said city, and it is hereby made the duty of such common council to make all necessary rules and regulations in connection therewith to fully carry out the provisions of this section: *Provided*, That any election district or voting precinct under the provisions of this act containing three hundred or more electors, and not exceeding six hundred and fifty electors according to the poll list of the last preceding general election, may, at the discretion of the proper authorities, be divided into two election districts. (As approved March 16th, 1893.)

(§ 780.) SEC. 5. On the day of election the polls thereof shall be opened at seven o'clock in the forenoon, or as soon thereafter as may be, and shall be continued open until five o'clock in the afternoon of the same day, and no longer; but in townships the board may adjourn the polls at twelve o'clock noon, for one hour, in their discretion. The inspectors shall cause proclamation to be made upon opening the polls, and shall also cause proclamation to be made of the closing of the polls, one hour, thirty minutes and fifteen minutes, respectively, before the closing thereof. Polls; time of opening and closing.

(§ 781.) SEC. 6. There shall be provided and kept by the township clerk in each township, at the expense of such township, and in each ward or voting precinct of any city, by the city clerk or recorder at the expense of the city, one or more suitable ballot boxes, with lock and key, which ballot box shall have an opening through the lid of the proper size to admit a single closed ballot, through which each ballot received shall be passed into the box. He shall also furnish a township or ward election seal, which shall contain the name of the township or ward, and the words "election seal" around the margin thereof, and such other words or device thereon as the township board of the township or the common council of the city may prescribe. Ballot boxes.

(§ 782.) SEC. 7. Before opening the poll, the ballot box shall be examined, and the contents, if any, removed therefrom; it shall then be locked, and the key thereof delivered to one of the inspectors, to be designated by the board. The said box shall not be opened during the election, except as provided by law, and in case of adjournments. Ballot boxes to be examined before opening of polls.

(§ 783.) SEC. 8. When the supervisor shall be one of the board, he shall be chairman thereof; but if he be absent, such one of their number as the inspectors shall designate, shall be chairman. Chairman of board.

(§ 784.) SEC. 9. In each county in the state, the judge of probate, county clerk and county treasurer, shall constitue a board of Board of election commissioners, how constituted

election commissioners, two of whom shall constitute a quorum and of which board the judge of probate shall be chairman and the county clerk shall be secretary. It shall be the duty of said board to prepare and distribute ballots and stamps for election of all officers for whom the electors are entitled to vote, and for all proposed constitutional amendments or other questions to be submitted to the electors of the state for popular vote in compliance with the provisions of law. The members of said board shall serve without compensation.

Duties of.

(§ 785.) SEC. 10. The said board of election commissioners shall cause to be printed on the ballot the names of the candidates nominated by the regularly called conventions of any party, and it shall be the duty of the state, district or county committee of each political party to forward to the said board of election commissioners of each county in the state, not less than twenty days prior to any such election, a copy of the vignette adopted by them and the names of all candidates nominated at any regularly called convention, at which candidates for any of the offices mentioned in section one of this act shall be nominated and no other names unless authorized or instructed by said convention. All the names of parties so nominated shall be certified to by the chairman and secretary of the respective committees.

State committee duty of.

(§ 786.) SEC. 11. It shall hereafter be the duty of the state committee of any political party or organization in this state, before each election, to prepare and adopt by engraving or otherwise, a vignette, to be printed at the top of the column of such ballot assigned to such party, as a distinctive and characteristic heading thereto; such vignette shall not be more than one inch and-a-half square, and in addition to the device adopted, shall set forth legibly the name of such party. A proof copy of the ballot shall be on file at the office of the county clerk of each county, and open for inspection by the candidates named thereon and by the chairman of each committee furnishing the names

of the candidates thereon but no other person, at least ten days prior to each election. And it shall be the duty of the board of election commissioners, to correct such errors as may be found therein by such inspection.

Copy of vignette and names of candidates to be filed with the county clerk.

(§ 787.) SEC. 12. When such vignette and heading shall have been adopted and prepared, an impression of the same, followed by the names of the candidates nominated at or by the discretion of the regularly called convention, printed and sealed up in an envelope, shall be filed with the county clerk of the county where such election is to be held, at least twenty days before such election; also a copy shall be filed with the secretary of state at least twenty days prior to such election. Such ballots shall be kept by the secretary of state and said county clerk on deposit, and from the time of said filing it shall be unlawful for any person to imitate, copy or in any manner counterfeit the same, or change the name of the candidate of such regular convention, except as herein provided, or by authority of such convention. Such vignette and heading shall remain as the heading for the column of such party organization on the ballots of all elections until changed by the proper committee, and notice thereof shall have been given to such county clerks and secretary of state. It shall be the duty of the board of election commissioners to provide, at the expense of the county, a sufficient number of cuts of the several (vignettes) vignette provided for in this act from which to print the necessary number of ballots to be distributed by them.

Constitutional amendments.

(§ 788.) SEC. 13. Whenever a proposed constitutional amendment or other question is to be submitted to the electors of the state for popular vote, the secretary of state shall duly, and not less than thirty days before election, certify the same to the clerk of each county in the state.

Printing of names on ballot

(§ 789.) SEC. 14. The board of election commissioners in each county shall cause the names of all candidates for the various offices mentioned in section one of this act to be voted for in each legislative district of said county, at an election held pursuant to the provisions of this act, to be printed on one ballot, all nominations of any party to be placed under the title and device of such party as designated by them in their certificate, and shall also cause any proposed constitutional amendments or other questions to be submitted to the electors of the state for popular vote to be printed at the foot of said ballot, in such convenient place as to be readily distinguishable one from the other. The ticket of the party having the greatest number of votes within the county at the last preceding general election shall be placed first on the ballot, the position of other tickets to be governed relatively by the same rule. The ballots shall be of uniform size and of the same quality of white paper, and sufficiently thick that the printing cannot be distinguished from the back. The list of candidates of each party shall be placed in a separate column of said ballot with the appropriate heading: and the arrangement of the ballot shall conform as nearly as may be to the following plan, and shall contain the specific instruction therein set forth, and no others. (As amended by act approved June 1, 1893.)

Constitutional amendments.

Position on ballot.

Size and quality of ballot.

Arrangement of ballot.

OFFICIAL BALLOT

[INSTRUCTIONS]—In all cases stamp a cross (X) in the circle under the name of your party at the head of the ballot. If you desire to vote a straight ticket nothing further need be done.

Where only one candidate is to be elected to any office, and you desire to vote for a candidate not on your party ticket, make a cross in the square before the name of the candidate for whom you desire to vote on the other ticket.

Where two or more candidates are to be elected to the same office, and you desire to vote for candidates on different tickets for such office, make a cross in the square before the names of the candidates for whom you desire to vote on the other ticket; also erase an equal number of names of candidates on your party ticket for the same office for whom you do not desire to vote.

If you wish to vote for a candidate not on any ticket, write or place the name of such candidate on your ticket opposite the name of the office. Before leaving the booth, fold the ballot so that the initials may be seen on the outside.

NAME OF OFFICER VOTED FOR.	VIGNETTE. DEMOCRATIC. O	VIGNETTE. REPUBLICAN. O	VIGNETTE. INDUSTRIAL. O
STATE.			
Governor	☐ Edwin B. Winans.	☐ James M. Turner.	☐ Lyman A. Brant.
Lieutenant Governor	☐ Frederick Braastad.	☐ Lemuel G. Dafoe.	☐ William A. Johnson
Secretary of State	☐ Daniel E. Soper.	☐ Washington Gardner	☐ William McKinstry
CONGRESSIONAL.			
Representative in Congress—fifth congressional district	☐ Edwin F. Uhl.	☐ Charles W. Watkins	☐ Dudley O. Watson.
PRESIDENTIAL.			
Electors of President and Vice-President	☐ Arthur S. White.	☐ Frederick Maynard.	☐ John W. Hayward.
LEGISLATIVE.			
State Senator — twenty-first district	☐ Albert K. Roof.	☐ Selig Solomon.	☐ John M. Herz.
Representative--first district.	☐ Vincent P. Cash.	☐ DeVere Hall.	☐ William B. Jackson.
COUNTY.			
Sheriff	☐ Charles R. Pratt.	☐ William Hahn	☐ James Hanley.
Judge of Probate	☐ Jay L. Newberry.	☐ Grant M. Morse.	☐ Frank Porter.
Treasurer	☐ J. Warren Peake.	☐ John V. N. Gregory.	☐ Frank W. Cook.

In case of death of candidate, etc

(§ 790.) SEC. 15. In case of the death, removal or withdrawal of any candidate after the printing of such ballots, and before such election, the chairman of the state, district or county committee of the political party to which such candidate belonged, shall transmit to the county clerk the name of the person selected by such party to fill such vacancy, and said county clerk shall provide the election board of each precinct in which such candidate is to be voted for with a number of pasters containing only the name of such new candidate, at least equal to the number of ballots provided for such precinct, but no pasters shall be given to or received by anyone except such election board and such chairman, and it shall be the duty of the chairman of the board of inspectors of election to put one of such pasters, in a careful and proper manner, in the proper place on each ballot before it shall be given to any elector for the purpose of voting. In case of such death, removal or resignation before the printing of such ballots the name of the person selected in the place of such candidate shall be communicated by the proper committee of the political organization to which such candidate belonged, and the necessary change in such ballot shall be made by the board.

Pasters to be provided, etc.

When name to be printed in, etc

Unlawful to use other than official ballot.

(§ 791.) SEC. 16. It shall not be lawful for the printer of such ballots or any other person to give, or deliver to, or knowingly permit to be taken, any of said ballots, by any person other than the board of election commissioners, for which such ballots are being printed, or to print, or cause to be or permit to be printed, any ballot in any other form than the one prescribed by this act, or with any other name thereon, or with the names misspelled, or the names or devices thereon arranged in any other way than that authorized and directed by the said board of election commissioners: *Provided*, That it shall and may be lawful for the chairmen of committees and candidates named on the official ballot to procure any number of fac similes of the ticket to be printed on red, yellow or blue paper, and to circulate

Proviso.

the same for the purpose of the instructions of voters; and said colored ballots to have printed at the head the words, "Instruction ballot." (As amended by act approved June 1, 1893.)

(§ 792.) SEC. 17. It shall be the duty of the board of election commissioners of each county to provide a sufficient number of ballots, at least two to each elector according to the vote at the last preceding general election. They shall also provide and enclose in each package of official ballots to be delivered to some member of the board of election inspectors of each voting precinct, as hereinafter provided, as many metallic stamps bearing a cross (X), together with ink pads and metallic erasing stamps as may be necessary, at least two stamps being furnished for every booth erected, as hereinafter provided. And the board of election commissioners of each county shall audit and issue their warrants for the same, which shall be paid by the county treasurer out of the general fund of the county. (As amended by act approved June 1, 1893.)

Sufficient number of ballots to be provided.

Stamps, etc.

How paid for.

(§ 793.) SEC. 18. Whenever a constitutional amendment or other question is proposed to be voted upon by the electors, the substance of such amendment or other question shall be clearly indicated upon the ballot, and below the same upon the ballot shall be placed in separate lines the words "Yes" and "No." The elector shall designate his vote by a cross mark (X) placed opposite the word "Yes" or the word "No."

Of amendments, etc.

(§ 794.) SEC. 19. It shall be the duty of the chairman of the board of election inspectors of each voting precinct in each county, or in case he cannot attend, some other member of such board, authorized in writing by the said chairman, to appear at the office of the county clerk of his county, not more than four nor less than two days before each election, and the board of election commissioners shall deliver to him in a sealed package, the ballots and the stamps pro-

Duty of chairman to procure ballots, etc.

How ballots put up, etc.

vided for his precinct. The necessary number of ballots shall be wrapped and tied in packages, and securely sealed with wax, and the chairman of said board or some other member thereof duly authorized therefor, shall make and sign a certificate setting forth the number of ballots in such package, and that such ballots were packed and sealed by himself personally, and upon delivery of such package and said certificate to such inspector of elections he shall receipt for the same; and for the safe sealing of such ballots the county board of election commissioners shall provide themselves with a seal of such design as they may deem proper. Said packages shall not be opened until delivered to the election board of the respective voting precincts, to which they are directed, when said boards shall be fully organized and ready for the reception of votes as in this act provided.

When to be opened, etc.

When board to send ballots, etc

(§ 795.) SEC. 20. In case none of the board of election inspectors of any precinct shall appear at the office of the county clerk within the time above specified, the board of election commissioners shall forthwith dispatch a special messenger to such precinct, with the ballots and stamps for such precinct, wrapped, tied and sealed as aforesaid, who shall deliver the same to one of the election inspectors or some responsible elector of said precinct, to be designated by the board of election commissioners, who may receipt therefor, and whose duty it shall be to deliver the same to the inspectors at the polling place before seven o'clock in the forenoon of the day of election. Such messenger shall promptly report to such clerk and file with him the receipt of the person to whom he delivered such ballots and stamps, and his affidavit stating where, when and to whom he delivered the same.

To file receipt for ballots.

Railing or fence to be erected in voting room, etc

(§ 796.) SEC. 21. In all townships, and all voting precincts in cities, the township board of each township, and the various officers whose duty it may be to designate and prescribe the place or places of holding general elections in the several cities, wards, election dis-

tricts and voting precincts throughout the state, shall provide for, and cause to be erected in the room where elections are to be held, a railing or fence four feet in height, which railing or fence shall be placed through and across the room, and shall cause gates to be erected in said railing. The entrance gate shall be in charge of a gatekeeper appointed at the opening of the polls by the board of election inspectors, and duly sworn to allow no person to pass through said gate and enter said railing except as otherwise provided in this act, except to vote or to assist some elector in the preparation of his ballot, as provided in this act, and no person shall be allowed to be inside of said railing, except to vote or to assist an elector in the preparation of his ballot, as hereinafter provided, and as soon as the elector has voted he shall retire without, and shall not again be admitted within the railing, and only as many electors as there are booths shall be allowed within the railing at one and the same time, and the electors shall be admitted in the order in which they shall apply. The entrance gate shall be placed at one side of the room, and on the inside of said gate a booth or temporary room shall be erected. At least one such booth shall be provided at each polling place, and not less than one for each hundred persons entitled to vote thereat, as shown by the last preceding registration of electors, and built with walls not less than six feet high, and in such (a) manner that the person preparing the ballot shall be concealed from all other persons. Said railing shall also contain an exit gate, which shall be under the care of an officer appointed by the board and duly sworn as above.

Entrance to be in charge of gatekeeper, etc.

Who allowed inside railing.

Booths to be erected.

Exit gate and keeper.

(§ 797.) SEC. 22. At the opening of the polls, after the organization of, and in the presence of the board of inspectors, one of the inspectors shall open the packages of ballots in such a manner as to preserve the seal intact. He shall then deliver to one of the inspectors, to be designated by the board, fifty of the ballots, and shall place the stamps for marking the ballots in the booths, two in each. The in-

Ballots to be opened, etc.

Inspector to receive and mark ballots, etc

spector so designated shall at once proceed to write his initials in ink on the upper left hand corner of the back of each of said ballots in his ordinary hand-writing and without any distinguishing mark of any kind. As each successive elector calls for a ballot another one of the inspectors shall deliver to him the first signed of the fifty ballots, and as the supply of ballots in the hands of the inspectors shall decrease, additional ballots shall be signed by the same inspector, so that at least twenty-five ballots so signed shall be at all times in the hands of the inspector delivering the ballot to the elector.

Ballots to be delivered to elector, etc.

(§ 698.) SEC. 23. At every election each of the political parties shall have the right to designate and keep, not exceeding two challengers at each place of voting, who shall be assigned such positions, immediately adjoining the inspectors inside the polling place, as will enable them to see each person as he offers to vote, and a seat and table, or desk, on which he may write within the railing shall be furnished for the accommodation of one of such challengers of each political party, and he shall have the right to inspect the poll lists as kept by the clerks, and who shall be protected in the discharge of their duty by the inspectors and the police. Authority signed by the recognized chairman or presiding officer of the chief managing committee of a party in such county or township, city, ward or voting precinct, shall be sufficient evidence of the right of such challengers to be present inside the room where the ballot box is kept. The chairman appointing any challenger may, at his discretion, remove him and appoint another. Any challenger shall have the right and privilege of remaining during the canvass of the votes and until the returns are duly signed and made. (As amended by act approved June 1, 1893.)

Challengers.

Powers.

Evidence.

May remain during canvass.

(§ 799.) SEC. 24. If any person offering to vote shall be challenged as unqualified by any inspector, challenger or elector entitled to vote at that poll, the chairman of the board of inspectors shall declare to the person challenged the constitutional qualifications of an

Challenge of voter.

elector; and if such person shall state that he is a qualified elector, and the challenge is not withdrawn, one of the inspectors shall tender to him such one of the following oaths as he may claim to contain the grounds of his qualifications to vote: When oath to be tendered.

1. "You do solemnly swear (or affirm) that you are twenty-one years of age, that you are a citizen of the United States, that you have resided in this state three months next preceding this day, and in this township, ward, or voting precinct, as the case may be, ten days next preceding this day, and that you have not voted at this election," or Form of Oath.

2. "You do solemnly swear (or affirm) that you are twenty-one years of age, that you resided in this state on the twenty-fourth day of June, eighteen hundred and thirty-five, and that you have resided in this state three months next preceding this day, and in this township, ward or voting precinct, as the case may be, ten days next preceding this day, and that you have not voted at this election;" or. Idem.

3. "You do solemnly swear (or affirm) that you are twenty-one years of age, and that you resided in this state on the first day of January, eighteen hundred and fifty, that you have declared your intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election, that you have resided in this state three months next preceding this day, and in this township, ward or voting precinct, as the case may be, ten days next preceding this day, and that you have not voted at this election;" or. Idem.

4. "You do solemnly swear (or affirm) that you are twenty-one years of age, that you have resided in this state two years and six months, that you have declared your intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding this election, that you have resided three months next preceding this Idem.

day, and in this township, ward or voting precinct, as the case may be, ten days next preceding this day, and that you have not voted at this election."

Idem.

5. "You do solemnly swear (or affirm) that you are twenty-one years of age, and that you are a native of the United States, that you are a civilized inhabitant of the Indian descent, and not a member of any tribe, that you have resided in this state three months next preceding this day, and in this township, ward, or voting precinct, as the case may be, ten days next preceding this day, and that you have not voted at this election."

If the person so challenged shall take such oath, his vote shall be received; but if he shall swear falsely, upon conviction thereof, he shall be liable to the pains and penalties of perjury.

False swearing perjury.

(§ 800.) SEC. 25. It shall be the duty of each inspector to challenge every person offering a ballot whom he shall know or suspect to be disqualified as an elector; and the board of inspectors shall possess full authority to maintain regularity and order, and to enforce obedience to their lawful commands during an election, and during the canvass of the votes after the poll is closed.

Duty of inspectors to challenge, etc.

(§ 801.) SEC. 26. When an elector shall not be challenged or shall have taken the necessary oath or affirmation, he shall be permitted to vote. On entering the room, the inspector holding the ballots shall deliver to him one of them, and on request shall give explanation of manner of voting; if deemed necessary by the board an interpreter may be called. The elector shall then, and without leaving the room, go alone into a booth which is unoccupied and indicate the candidates for whom he desires to vote, as follows: If the party desires to vote a straight ticket he must stamp a cross (X) in the circle under the name of his party at the head of the ballot. Nothing further need be done. Where only one candidate is to be elected to an office, and the elector desires to vote for a candidate not on his party ticket, he should make a cross in the circle under the name of his

Manner of voting.

Straight ticket.

One candidate for office.

party, and also make a cross in the square before the name of the candidate for whom he desires to vote on the other ticket. In such case it shall not be necessary to strike off the name of the candidate on the party ticket. Where two or more candidates are to be elected to the same office, like circuit court commissioners, electors, etc., and the voter desires to vote for candidates on different tickets for such office, he must mark a cross in the circle under his party name and mark a cross in the square before the name or names of the candidate for whom he desires to vote on the other ticket or tickets, and also erase an equal number of names of the candidates for such office on his party ticket. If the elector wishes to vote for a candidate not on any ticket he must write or paste the name of such candidate on his ticket opposite the name of the office and make a cross in the circle under the party names. A ticket marked with a cross in the circle under a party name will be deemed a vote for each of the candidates named in such party column whose name is not erased, except those candidates where a cross is placed in the square before the name of some opposing candidate on the opposing ticket, or where a name is written or pasted on the party ticket of some candidate whose name is not printed as a candidate on any party ticket. In case there is only one candidate to be elected to any office, the cross in the square before the name of the candidate on the opposing ticket shall be deemed one vote for such candidate. Where there are two or more candidates to elect to the same or like office, a cross before the names of the opposing candidate or candidates shall be deemed one vote for such candidate or candidates; *Provided*, An equal number of names for the same office are erased from the party ticket. If the name of any person who is not a candidate on any ticket is written or placed on the party ticket opposite the name of the office, and there is a cross in the circle under the party name, the name so written shall be counted one vote for the person so mentioned, whether the original name on the party

Two candidates for office.

Candidate not on ticket.

Mark in circle a vote for full ticket.

Exceptions.

Method of voting for candidates on opposing ticket.

Votes for candidates not on ballot.

ticket is erased or not, excepting cases where there is a cross in the square before the name of some opposing candidate on some other party ticket. If no cross is placed in the circle under the party name, a cross in the square before the name of any candidate shall be deemed a vote for such candidate, except in cases where the elector votes for more candidates for the same office than are to be elected. Such elector may also indicate his preference on any constitutional amendment or other question by stamping a cross(X) in the square in front of the words "Yes" or "No," opposite such question. Before leaving the booth the elector shall fold his ballot so that no part of the face thereof shall be exposed and so that the initials of the inspector shall be on the outside thereof, and on leaving the booth shall at once deliver, in public view, such ballot to the inspector designated to receive the same, who shall thereupon announce audibly the name of the elector offering the same. Before the ballot is deposited in the box the poll clerks shall enter the name of such elector on their respective poll lists and number the same consecutively. The inspectors shall then, in the presence of the elector and the board of inspectors, deposit the same in the ballot box without opening the same: *Provided, however*, If any elector shall show his ballot, or any part thereof, to any person other than one lawfully assisting him in the preparation thereof, after the same shall have been marked, so as to disclose any part of the face thereof, such ballot shall not be received or deposited in the ballot box. In case such elector shall so expose his ballot, his name shall be entered on the poll lists with a minute of such occurrence, and such elector shall not be allowed to vote thereafter at said election. The elector shall then leave the room, but no elector to whom the ballot has been delivered shall be permitted to leave the room without voting the ballot or returning it to the inspector from which he received it. Any elector who shall attempt to leave the room with a ballot or stamp in his possession shall be at once arrested on demand of any member of the board of inspectors.

Folding ballot and delivering to inspector.

Entering name of elector.

Proviso.

Cannot vote again if ballot is exposed.

Arrest.

if he shall refuse to deliver the same on request. (As amended by act approved June 1, 1893.)

Clerks to compare poll lists, etc.

(§ 802.) SEC. 27. At each adjournment of the poll the clerks shall, in the presence of the inspectors, compare their respective poll lists, compute and set down the number of votes, and in case the same do not agree, shall, under the direction of the board, correct all mistakes that may be discovered, until such poll lists shall be made in all respects to correspond.

Care of ballot box, key, etc.

(§ 803.) SEC. 28. The ballot box shall then be opened and the poll list placed therein, the box locked, and at least five minutes before the removal of the same a piece of leather (or canvass) so placed as to extend from the opening in the lid of said ballot box to the key-hole, in such a manner as to completely cover both such holes, shall be placed thereon, and the same securely fastened thereon with sealing wax, stamped with the official election seal of such township or ward, such piece of leather (or canvass) and the sealing wax to be so arranged as to render it impossible to open either of said holes without breaking said seal. The key shall then be delivered to one of the inspectors, the box to another, and the seal to another. Such box shall not be opened nor the seal broken until the box has been publicly exposed at least five minutes before the reopening of the poll.

Return and opening of box, etc.

(§ 804.) SEC. 29. The inspector having the key shall keep it in his possession, and deliver it again to the board at the next opening of the poll, and the inspector having the box shall carefully keep it without opening, or suffering it to be opened, or the seal thereof to be broken or removed, and shall publicly deliver it in that state to the board of inspectors at the next opening of the poll, when the seal shall be broken and the box opened, the poll list taken out, and the box again locked.

Distribution ballots, etc.

(§ 805.) SEC. 30. No ballot shall be distributed by any person other than one of the inspectors of election, nor in any place except within the railing of the voting room, to electors about to vote, and no ballot which has not the initials of a member of the board of election, written by such member on the back thereof, shall be placed in the ballot box.

Printed instructions to voters to be furnished, etc.

(§ 806.) SEC. 31. Uniform printed instructions to voters, printed in large type upon cards, shall be furnished by the secretary of state to the county clerk of each county, containing any information that will enable voters to quickly make and correctly designate their choice, and the county clerks shall furnish such cards to the city and township clerks in the county. Such clerks shall furnish such cards to each polling place, one of which shall be hung in each compartment, two in the polling room and three on the outside of the building in which the voting takes place. Whenever the clerk of any county notifies the secretary of state that the printed instructions are also needed in a foreign language, and such language is stated, then it shall be the duty of the secretary of state to furnish such printed instructions in such foreign language. In case of necessity the chairman may employ an interpreter.

Instructions in foreign language.

Voting by incapable persons.

(§ 807.) SEC. 32. When an elector shall make oath that he cannot read English, or that because of physical disability he cannot mark his ballot, or when such disability shall be made manifest to said inspectors, his ballot shall be marked for him in the presence of the challenger of each political party having a challenger at such voting place, by an inspector designated by the board for that purpose, which marking shall be done in one of the booths.

Unlawful to influence voter.

(§ 808.) SEC. 33. It shall be unlawful for the board, or any of them, or any person in the polling room or any compartment there-

with connected, to persuade or endeavor to persuade any person to vote for or against any particular candidate or party ticket.

(§ 809.) SEC. 34. If the elector votes for more than one candidate for the same office, said ballot shall not be counted for those persons, but shall be as to them null and void. If any elector inadvertently spoils a ballot he may obtain another from the board by returning such spoiled one.

Voting for more than one person, etc.

Spoiled ballot.

(§ 810.) SEC. 35. The board of inspectors of election shall preserve the unused ballots, together with the ballots which have been spoiled, and return the same to the city or township clerk, with a statement of the number of ballots used, and there shall be given by the clerk to the inspectors of election a receipt therefor, which shal be filed with the chairman of the board.

Board to preserve unused ballots, etc.

(§ 811.) SEC. 36. Immediately on closing the polls the board shall proceed to canvass the votes. Such canvass shall be public, and shall commence by a comparison of the poll lists and a correction of any mistakes that may be found therein until they shall be found or made to agree. The box shall then be opened and the whole number of ballots counted. If the ballots shall be in excess of the number of the electors voting, according to the poll lists, they shall be replaced in the box, and one of the inspectors shall publicly draw out and destroy so many ballots therefrom unopened as shall be equal to such excess. They shall first select and count the straight tickets and give the number of each candidate voted for on the straight ticket. All other tickets shall be laid on the table and counted in regular order, in such subdivisions thereof as may be convenient for a prompt and careful determination of the result of such election In the canvass of the votes, any ballot which is not indorsed with the initials of the inspector, as provided in this act, and any ballot which shall bear any distinguishing mark or mutilation shall be void, and

Canvass of votes, how conducted.

Counting of votes, etc.

What ballots void, etc.

shall not be counted; and any ballot, or part of a ballot, from which it is impossible to determine the elector's choice of candidates shall be void as to the candidate or candidates thereby effected : *Provided, however*, That all such ballots shall be preserved, marked by the inspectors (not counted) and kept separate from the others by being tied or held in one package by a rubber band or otherwise.

Proviso.

Disposition of ballots, box, etc.

(§ 812.) SEC. 37. After the ballots are counted they shall, together with one tally sheet, be placed in the ballot box, which shall be securely sealed in such a manner that it cannot be opened without breaking such seal. The ballot box shall then be placed in charge of the township or city clerk, but the keys of said ballot box shall be held by the chairman of the board, and the election seal in the hands of the other inspectors of election.

Result to be publicly declared, etc.

(§ 813.) SEC. 38. After the count of the tickets or ballots has been completed the result shall be immediately publicly declared, and the number of votes received by each candidate or person on the ticket shall be publicly declared by one of the inspectors. The inspectors shall then prepare a statement of the result in duplicate, showing the whole number of votes for each office, the names of the persons for which such votes were given, and the number each person received. Such statement, when certified by the inspectors and duly signed, shall be delivered, one copy to the township clerk, to be filed by him in his office, and the other to the inspector appointed by the board to attend the county canvass.

Statement of result.

Powers and duties of gate keepers, etc.

(§ 814.) SEC. 39. The gatekeepers of elections shall be peace officers at polling places, and are hereby delegated power equal to constables for the purpose of maintaining peace and quiet at the polls on election day. They shall have charge of and keep the gates at polling places, and shall not allow any person to approach within the railing provided for in section sixteen, except those authorized by

law and qualified electors, whom they shall allow to pass through the gates and approach the ballot box or boxes for the purpose of voting; and they shall admit one elector at a time only to vote, and shall cause said elector to retire without the gate and railing as soon as he has voted; and no person shall in any manner interfere with a gatekeeper of election in the discharge of his duty, and it shall be unlawful for the gatekeepers to aid, assist, suggest, advise or entreat an elector to prepare his ballot in a particular manner, or to coerce or attempt to coerce an elector in any way to vote or to refrain from voting for any particular person or party. No person shall be eligible to fill the office of gatekeeper of election on any election day when his name shall be on any ticket at said election. Gatekeepers of (elections) election shall be at the polling place at the opening of the polls, and shall remain there until the closing of the polls, and shall receive as compensation two dollars per day for each day's work while actually engaged.

Penalty for interference with, etc.

Eligibility of gate keepers.

Compensation.

(§ 815.) SEC. 40. No election shall be held, nor shall any election be appointed to be held, in any saloon or barroom, or in any room or place contiguous with or adjacent thereto. Should any place be designated or appointed for holding an election in violation hereof, or become subject to such objection after having been so designated, the inspectors of election shall have power, and it shall be their duty, on or before the day of such election, and before the opening of the polls on such day, to procure a suitable place as near thereto as may be, not subject to like objection. Said inspectors shall meet at the place first designated at the time for opening the poll, and after any vacancies in their number shall have been filled, adjourn to the place chosen by them, and at the time of said adjournment give public notice to the electors present, by proclamation, of such change, and post in a conspicuous manner notice of the place where such election shall be held; and all expense attending such change shall be certified

Elections shall not be held in saloons, etc.

When inspectors to change polling place.

Inspectors to meet, etc.

Notice of change, etc.

by said inspectors to the proper authorities, and shall be allowed and paid accordingly.

Liquors, bringing in, etc., a misdemeanor.

(§ 816.) SEC. 41. Any person or persons introducing in any way, upon election day, into the building where an election is being held, any spirituous or malt liquors, and any inspector or clerk of election drinking any such liquors in such place, or being intoxicated therein upon election day, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding sixty days, or by both fine and imprisonment, in the discretion of the court.

Penalty for

Time voter may remain in booth.

(§ 817.) SEC. 42. The board of election may make such regulations as they deem proper, limiting the time in which an elector may remain in the room or booth while preparing and voting his ballot; such limitation, however, shall not be less than one nor more than five minutes.

Unlawful for candidate to aid his election in certain manners.

(§ 818.) SEC. 43. It shall not be lawful for any candidate for any elective office with intent to promote his election, or for any other person with intent to promote the election of any such candidate either:

First, To provide or furnish entertainment at his expense to any meeting of electors previous to or during the election at which he (shall) may be a candidate; or

Second, To pay for, procure, or engage to pay for any such entertainment; or

Third, To contribute money for any other purpose intended to promote an election of any particular person or ticket, except for the defraying the expenses of office room or hall rent, postage, stationery and clerk hire, music at public meetings, the pay and expense of

public speakers, transportation of committeemen, the pay of challengers at the polls and of persons to inspect the registration of voters and of persons employed to make lists of the votes in election precincts, and of printing, and the circulation of handbills and other papers previous to any such election, or for conveying electors to the polls. (Approved June 1, 1893.)

Candidate and committees to make statement of expenses, etc

(§ 819.) SEC. 44. It shall be the duty of every candidate for any office named in this act, and of the chairman of every state, district and county committee of each political organization, within twenty days after each election held pursuant to the provisions of this act, to make and file an affidavit stating the amount of money expended by each candidate or committee in and about the canvass of such candidate or political organization in connection with such election, and further showing that no expenditures have been made by such candidate or political organization, or by any person in his or its behalf, to the knowledge of the person making such affidavit, for any purpose prohibited by this act. Such affidavit, when made by the chairman of the state committee or a candidate for any state office, shall be filed in the office of the Secretary of State; when made by the chairman of any district committee or a candidate for the office of presidential elector, member of Congress, state senator, or representative, in the office of the clerk of the county to which election returns for said district are made, and when made by the chairman of any county committee or candidate for a county office, in the office of the clerk of such county. Willful false swearing in this or in any other matter herein required to be under the oath of any person shall be deemed perjury, and punishable accordingly,

Statement to be filed, etc.

False swearing to be perjury.

Violation of act to be felony.

(§ 820.) SEC. 45. Any person who shall knowingly violate any of the provisions of this act, or shall willfully neglect or refuse to perform any duty enjoined upon him hereby, or shall disclose to any other person the name of any candidate voted for by any elector, the

contents of whose ballot shall have been by such person, or shall in any manner obstruct or attempt to obstruct any elector in his exercise of his duties as such elector under this act, shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the state prison not exceeding two years, or by both fine and imprisonment.

Penalty therefor.

(§ 821.) SEC. 46. All acts or parts of acts contravening the provisions of this act are hereby repealed. (This Act is ordered to take immediate effect. Approved July 3, 1891.)

Repealing clause.

(§ 822.) SEC. 47. At the general election to be held in this state on the first Monday of April, eighteen hundred and ninety-three, or in any second year thereafter, the polls of such election in townships and cities, shall, for all purposes, open and close at the times herein prescribed for the opening and closing of polls, anything in act number one hundred and ninety-four of the public acts of eighteen hundred and and ninety-one, or in any other statute, local or general, to the contrary notwithstanding: *Provided*, That this section shall not be construed as forbidding a noon adjournment in townships. (This Act is ordered to take immediate effect. Approved March 16, 1893.)

Opening and closing of polls.

Proviso.

APPENDIX.

NOTE 1. § 19. The chairman of the board of inspectors and of registration must be appointed by the common council, but if the council fails to act, the vacancy can be filled by the electors at the opening of the polls. (Dingwall vs. Common Council, 82 Mich., 568.)

NOTE 2. § 24. By an amendment to the "act relative to free schools in the city of Detroit," and adding two new sections, approved June 2, 1891, (see § 500 of this compilation) it was enacted that the qualifications of electors in the school district comprising the city of Detroit, shall be the same as those prescribed by the laws of this state and the United States, for voters at large at general city elections, provided that when special measures or questions shall be submitted to the electors as provided by the preceding section (§ 499), women may be qualified to vote.

NOTE 3. § 62. By section 8234 *a*, 3 How. Stats., all sureties on official bonds must justify under oath as to their pecuniary responsibility.

NOTE 4. § 98. A majority of aldermen present held sufficient to elect a president. (Supreme Court, January, 1886.) There is no legal sanction for the taking of "informal ballots." (School district No 8 vs. Root, 61 Mich., 373.) A quorum of the council consists of a majority of the aldermen authorized to be elected. (Guthard vs. Kronberg, Supreme Court, February, 1891.)

NOTE 5. § 106. The provision that no ordinance shall take effect before one publication thereof, means that no ordinance can be enforced and violation thereof punished, until the public have been informed of its enactment by at least one publication; the matter of publication being only essential before enforcement. An ordinance may by its terms be ordered to take immediate effect, but cannot be enforced before one publication thereof. (People vs. Keir, 78 Mich., 98.)

NOTE 6. § 121. It is competent for the common council to change from one of the uses mentioned in the act of congress of 1807 to another of those uses, one of the triangular pieces of ground laid out by the Governor and Judges. (Riggs vs. Board of Education, 27 Mich., 262.) But in the case of the Board of Education vs. Detroit, 30 Mich., 505, it was held that the common council could not open a street through such a triangular piece of ground, as that would be devoting it to a purpose entirely different from that mentioned in the act of 1807.

NOTE 7. § 160. See act authorizing the issuing of bonds for construction of sewers. (§ 329*a*, page 168*a*.

NOTE 8. § 161. The consent of the board of estimates must also be given.

NOTE 9. § 249. Questions of title cannot be tried in the recorder's court in a prosecution for obstructing and encumbering a public alley. (People vs. Statt, 90, Mich., 343.)

NOTE 10. § 251. The acquittal of a defendant prosecuted by complaint and warrant as in a criminal proceeding for the violation of an ordinance, is beyond reach by any process of review. (Northville vs. Westfall, 75 Mich., 603.)

NOTE 11. § 309. See as to powers and salary of board of public works. (City of Detroit vs. Board of Public Works, 23 Mich., 546; People vs. the Common Council, 29 Mich., 108; Chapoton vs. Detroit, 38 Mich., 638.)

NOTE 12. § 312. The board of public works has no power to vacate a plat after its approval and adoption, but may change it when authorized by a three-fourths vote of the common council. It has no power to direct where a land owner shall establish an alley when platting land. (Campau vs. Board of Public Works, 86 Mich., 372.) The board cannot prevent a land owner from platting his land so long as the proposed plat does not interfere with the general plan of the streets, and mandamus will lie to compel approval of the plat. (Campau vs. Board of Public Works, 86 Mich., 372; Van Husan vs. Heames, 91 Mich., 519.) On an application for mandamus made at the January term, 1891, by the same relator as in the case last cited, the court refused a mandamus to compel approval of a plat which laid out a street according to the general plan but did not dedicate it as a highway.

NOTE 13. § 320. This provision prohibits the council from ordering any public improvement or public work, or committing itself to the making thereof, and for incurring the expense of advertising for bids thereon without first getting an estimate from the board of public works. (Butler vs. Detroit, 43 Mich., 552; Mills vs. Detroit, 95 Mich., 422.)

NOTE 14. § 432. The commissioners of parks and boulevards may hire the necessary employes for Belle Isle bridge who are subject to the supervision and control of the commissioners, but the common council must fix their compensation.

NOTE 15. § 437. The issuance of bonds to raise money to pay for lands purchased or condemned by the commissioners of parks and boulevards need not be approved by the board of estimates. (Commissioners of Parks and Boulevards vs. Rush, city controller, 84 Mich., 154.)

NOTE 16. § 443. See Commissioners of Parks and Boulevards vs. Moesta, 91 Mich., 149.

NOTE 17. § 446. See Commissioners of Parks and Boulevards vs. Michigan Central Railroad Co., 90 Mich., 385; Commissioners of Parks and Boulevards vs. Chicago, Detroit, etc., Railroad Co., 91 Mich., 291.

NOTE 18. § 449. There is no authority under this section to award either witness or attorney fees. (Hester vs. Commissioners of Parks and Boulevards, 84 Mich., 450.

NOTE 19. § 505. The board of water commissioners may accept donations for the purpose of enabling them to improve and beautify the land in their custody about their works, and to maintain a library composed of works of practical utility to the persons engaged in looking after the works, and such as would properly be found in any such concern as part of their apparatus. Where a municipal corporation has within its control for present and future use a tract of land for municipal purposes, it would be contrary to good sense to hold that, so far as it can reasonably be done, such tract should not be put and kept in neat and attractive order. (Penny vs. Croul, 76 Mich., 471.)

NOTE 20. § 532. This section was held invalid in Jones vs. Water Commissioners of Detroit, 34 Mich., 273. Water rates paid by consumers are in no sense taxes, but are nothing more than the price paid for water as a commodity, just as similar rates are paid to gas companies. No one can be compelled to take the water unless he chooses, and the lien therefor is really a lien for an indebtedness like that enforced against ships and vessels.

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